Also, petition of Herman Wile & Co., of Buffalo, N. Y., against Schedule K of the tariff bill (H. R. 1438), as per the Senate amendment—to the Committee on Ways and Means.

Also, petition of American hosiery and underwear manufacturers, against reduction of duty on hosiery—to the Committee on Ways and Means.

Also, petition of the Peck, Stowe & Wilcox Company, of New York, against corporation-tax amendment to H. R. 1438—to the Committee on Ways and Means.

Also, petition of New England Shoe and Leather Association, of Boston, Mass., for free hides—to the Committee on Ways and Means.

Also, petition of New York Mercantile Exchange, favoring a material reduction of the duty on butter, cheese, and eggs—to the Committee on Ways and Means.

By Mr. FORNES: Petition of Cigar Makers' International Union of America, against free cigars and tobacco from the Philippines—to the Committee on Ways and Means.

Also, petition of American builders of machines for paper making, against reduction of tariff on paper and wood pulp—to the Committee on Ways and Means.

Also, petition of American hosiery and underwear manufacturers, against reduction of tariff on hosiery—to the Committee on Ways and Means.

By Mr. FULLER: Petition of Charles E. Sheldon and others, of Rockford, Ill., favoring exemption of holding companies from proposed corporation tax—to the Committee on Ways and Means.

Also, petition of the United States Annuity and Life Insurance Company, for exemption of insurance companies from corporation tax—to the Committee on Ways and Means.

Also, petition of Chicago Clearing House Association, to exempt banks from corporation tax—to the Committee on Ways and Means.

By Mr. GOULDEN: Petition of Merchants' Marine League, favoring appropriation in aid of the merchant marine of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, petitions of Snyder & Black and Jacob Rosenberger, of New York City, favoring the House rate of duty on lithographic products, etc.—to the Committee on Ways and Means.

Also, petition of New England Hide and Leather Association, for free hides—to the Committee on Ways and Means.

Also, petitions of the Nassau Bank, the Peck, Stowe & Wilcox Company, and the Olin J. Stephens Company (Incorporated), all of the State of New York, against the corporation-tax amendment to H. R. 1438—to the Committee on Ways and Means.

Also, petition of president and officers of the Lancaster County (Pa.) Growers' Association, against free tobacco and cigars from the Philippines—to the Committee on Ways and Means.

Also, petition of American hosiery and underwear manufacturers, against reduction of duty on hosiery—to the Committee on Ways and Means.

Also, petition of New York Mercantile Exchange, for material reduction of duty on butter, cheese, and eggs—to the Committee on Ways and Means.

By Mr. LOUD: Petition of George W. Keeney and members of Sterling Grange, of Sterling, Mich., and John E. Driscoll and others, of West Branch, Mich., for creation of a national highways commission—to the Committee on Agriculture.

By Mr. LOWDEN: Petition of citizens of Sublette, Orangeville, and Thomson, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. MANN: Petition of New York Mercantile Exchange, for decrease of duty on butter, cheese, and eggs—to the Committee on Ways and Means.

Also, petition of Clearing House Association of Chicago, favoring amendment to H. R. 1438 exempting incorporated banks from taxation—to the Committee on Ways and Means.

By Mr. MOORE of Pennsylvania: Petition of A. S. Getterman, president Public Educational Association of Washington, D. C., favoring an appropriation for treatment of stray cats—to the Committee on Appropriations.

By Mr. OLDFIELD: Paper to accompany bill for relief of Benjamin J. Matteson—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: Paper to accompany bill for relief of Gaines C. Smith—to the Committee on Pensions.

By Mr. SULZER: Petition of New York Mercantile Exchange, favoring material reduction of tariff on butter, cheese, and eggs—to the Committee on Ways and Means.

Also, petition of Cigar Makers' International Union of America, against free tobacco and cigars from the Philippines—to the Committee on Ways and Means.

Also, petition of Arthur T. Lesch and others, favoring the House schedule relative to lithographic products in H. R. 1438—to the Committee on Ways and Means.

SENATE.

TUESDAY, *July 20, 1909.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of the proceedings of Friday last was read and approved.

UNIVERSAL POSTAL UNION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Postmaster-General submitting an estimate of appropriation of $1,500 to enable the Post-Office Department to be properly represented at the unveiling at Berne, Switzerland, in the year 1909, of the monument erected by the countries of the Postal Union in commemoration of the founding of the Universal Postal Union (S. Doc. No. 133), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

HEATING AND LIGHTING, NAVAL ACADEMY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Navy submitting a supplemental estimate of appropriation in the sum of $10,000 for heating and lighting, Naval Academy, for the fiscal year ending June 30, 1910 (S. Doc. No. 132), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

LAWS OF HAWAII.

The VICE-PRESIDENT laid before the Senate a communication from the secretary of state of the Territory of Hawaii, transmitting one copy each of the session laws, journal of the senate, and journal of the house of representatives of the fifth regular session of the legislature of the Territory of Hawaii, which, with the accompanying document, was referred to the Committee on Pacific Islands and Porto Rico.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed a bill (H. R. 11572) to authorize the construction, maintenance, and operation of various bridges across and over certain navigable waters, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. DICK presented a memorial of sundry citizens of Akron, Ohio, indorsing the action of the Senate in protecting the lemon industry of the United States, which was ordered to lie on the table.

He also presented a memorial of sundry cigar manufacturers, of Dayton, Ohio, remonstrating against any advance of the internal-revenue tax upon cigars ranging below the wholesale price of $75 per thousand, which was ordered to lie on the table.

He also presented resolutions adopted by the Board of Trade of Columbus, Ohio, calling attention to the injurious effect the proposed tax on corporations would have in that State, and remonstrating against the adoption of such a tax, which were ordered to lie on the table.

REPORT OF A COMMITTEE.

Mr. BURTON, from the Committee on Commerce, to whom was referred the bill (H. R. 11579) to amend an act relative to the erection of a lock and dam in aid of navigation in the Tennessee River, reported it with an amendment and submitted a report (No. 17) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GAMBLE:

A bill (S. 2945) to provide for the purchase of a site and the erection of a public building thereon at Bellefourche, in the State of South Dakota; to the Committee on Public Buildings and Grounds.

By Mr. ELKINS (for Mr. SCOTT):

A bill (S. 2946) to authorize the Parkersburg Bridge Company to construct a bridge across the Ohio River connecting Parkersburg, W. Va., with Belpre, Ohio; to the Committee on Commerce.

By Mr. ELKINS:

A bill (S. 2947) for the relief of heirs or estate of James Watson, deceased; to the Committee on Claims.

By Mr. BRADLEY:

(By request) a bill (S. 2948) for the relief of the county of Nelson, State of Kentucky; to the Committee on Claims.

A bill (S. 2949) granting an increase of pension to Daniel B. Morris; to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 2950) granting an increase of pension to David E. Jones (with accompanying paper); to the Committee on Pensions.

By Mr. MONEY:

A bill (S. 2951) for the relief of the estate of Stephen Herren (with accompanying paper); and

A bill (S. 2952) for the relief of the estate of Stephen Herren; to the Committee on Claims.

By Mr. BEVERIDGE:

A bill (S. 2953) granting an increase of pension to Peter Harmon (with accompanying papers); and

A bill (S. 2954) granting an increase of pension to Charles N. Taylor (with accompanying papers); to the Committee on Pensions.

HOUSE BILL REFERRED.

H. R. 11572. An act to authorize the construction, maintenance, and operation of various bridges across and over certain navigable waters, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

BRIDGES OVER NAVIGABLE WATERS.

Mr. CLAPP submitted an amendment intended to be proposed by him to the bill (H. R. 11572) to authorize the construction, maintenance, and operation of various bridges across and over certain navigable waters, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

TAXES ON INCOMES.

Mr. BROWN. I submit a concurrent resolution for which I ask present consideration.

The concurrent resolution (S. C. Res. 6) was read, as follows:

Senate concurrent resolution 6.

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be requested to transmit forthwith to the executives of the several States of the United States copies of the article of amendment proposed by Congress to the state legislatures to amend the Constitution of the United States, passed July 12, 1909, respecting the power of Congress to lay and collect taxes on incomes, to the end that the said States may proceed to act upon the said article of amendment; and that he request the executive of each State that may ratify said amendment to transmit to the Secretary of State a certified copy of such ratification.

The VICE-PRESIDENT. Is there objection to the present consideration of the concurrent resolution?

Mr. KEAN. Mr. President, I call the attention of the Senate to the unanimous-consent agreement under which we are meeting. I should like to have it read.

Mr. BROWN. I will say to the Senator from New Jersey that this is not legislation. It is simply the formal and usual resolution calling upon the Executive to submit to the several States the joint resolution proposing an amendment of the Constitution.

Mr. BACON. I should like to suggest to the Senator from New Jersey that the agreement to which he refers can not possibly relate to business which the Senate has already taken up. It might relate to it if it were an original proposition, and if the question were whether we should proceed to a matter of legislation; but the Senate having passed the joint resolution, everything necessary to effectuate it is in order and is not in contravention of the agreement previously made.

Mr. SMOOT. I call the Senator's attention to the agreement, which reads:

It is agreed by unanimous consent that the Senate will adjourn from time to time for three days at a time until the conference report is ready upon the bill (H. R. 1438) "to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," and that no business shall be transacted at the sessions of the Senate prior to the report of the conference committee upon the said bill, other than the transaction of the routine morning business and the consideration of the deficiency appropriation bill now pending in the House of Representatives.

Mr. BROWN. This is routine morning business, so that the agreement would not apply to it. It relates to a formal proceeding made necessary by the action of Congress.

The VICE-PRESIDENT. If it is routine morning business, it can not be considered this morning in the face of an objection. If an objection is made, it will have to go over.

Mr. BROWN. I have not heard any objection made.

Mr. KEAN. Under the unanimous-consent agreement the concurrent resolution is not in order.

The VICE-PRESIDENT. The Senator from New Jersey objects, and the concurrent resolution goes over.

Mr. STONE. At the last meeting of the Senate the Senator from Virginia [Mr. MARTIN] reported a bridge bill and asked unanimous consent to have it passed. The Senator from Massachusetts [Mr. LODGE] called attention to the unanimous-consent agreement, and the Chair ruled that it was not in order to put the bill on its passage.

Mr. BACON. I suggest to the Senator from New Jersey that if his contention is correct, it would not be in order even for the Chair to lay before the Senate a joint resolution requiring his signature. The unanimous-consent agreement can not possibly relate to doing whatever may be necessary to effectuate what has already been determined upon by Congress. The two Houses passed a joint resolution. It is not proposed to add to that joint resolution in any particular, but simply to make it effective. It is not an independent piece of legislation; it is not an independent proposition; and it strikes me that it is no more objectionable to the unanimous-consent agreement than would be the laying of a joint resolution before the Senate with the statement on the part of the Chair that the joint resolution had received the signature of the Vice-President.

The VICE-PRESIDENT. The Chair has not passed upon that question. The Chair has simply ruled that under an objection the resolution must go over in any event.

Mr. CULBERSON. I invite the attention of the Chair to the fact that the Senator from New Jersey did not object generally under the rule, but he put it upon the ground that the resolution is contrary to the unanimous-consent agreement.

The VICE-PRESIDENT. The Chair thinks the objection controls, no matter what ground leads the Senator to object. The concurrent resolution goes over.

RETIREMENT OF EMPLOYEES.

Mr. CUMMINS. I ask unanimous consent that an order be made for a reprint, for the use of the Committee on Civil Service and Retrenchment and the Senate, of the bill (S. 1944) for the retirement of employees in the classified civil service.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Iowa?

Mr. SMOOT. I should like to ask the Senator from Iowa the cost, or the approximate cost, of the printing?

Mr. CUMMINS. I do not know.

Mr. SMOOT. Of course, we have already given notice that we shall object to any documents being printed unless the matter is referred to the Committee on Printing.

Mr. CUMMINS. I am perfectly willing that it shall be referred to the Committee on Printing.

Mr. SMOOT. That would be the best course. I will assure the Senator that we shall take the matter under consideration promptly.

Mr. HEYBURN. I have been absent one meeting, and I should like to inquire who has given notice that they will require matters presented by Senators to take a certain course. The Senator says "we have already given notice." I am curious to know who gave the notice.

Mr. SMOOT. The Committee on Printing have these matters in charge, and they decided that the proper course to pursue is to have all requests for printing referred to the Committee on Printing.

Mr. HEYBURN. It strikes me that the Committee on Printing might very well take notice of the rights and privileges of the Senate and of Senators in this matter. The rules say what shall go to the committee and what shall not. The Committee on Printing are not standing at the gate here with a flaming sword to see what shall go through.

Mr. SMOOT. There is no such purpose, I assure the Senator, on the part of the Committee on Printing, but simply, as all expenses of printing are to be passed upon by that committee——

Mr. HEYBURN. My objection is to the use of the word "we;" that "we" have done this and "we" have done that. I am not inclined to be factious, but it is a bad habit to get into. We are all "we's" here.

Mr. SMOOT. That may be true; but——

Mr. KEAN. I think the Senator from Utah does not understand the request of the Senator from Iowa. It is to have a reprint of a bill.

Mr. SMOOT. Then I will withdraw any objection to it.

Mr. KEAN. It is not a request for the printing of a document, but merely for the reprint of a bill.

Mr. SMOOT. I have no objection to that.

There being no objection, the order was reduced to writing, and agreed to, as follows:

Ordered, That there be printed 2,000 additional copies of the bill (S. 1944) for the retirement of employees in the classified civil service, 1,000 copies for the use of the Committee on Civil Service and Retrenchment and 1,000 copies for the use of the Senate document room.

STEPHENSON GRAND ARMY MEMORIAL.

Mr. WETMORE submitted the following concurrent resolution (S. C. Res. 7), which was referred to the Committee on Printing:

Senate concurrent resolution 7.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound, in the form of eulogies, including illustration, 14,600 copies of the proceedings on the occasion of the dedication of the Stephenson Grand Army Memorial, in Washington, July 3, 1909, of which 4,000 shall be for the use of the Senate, 8,000 for the use of the House of Representatives, and 2,000 to be delivered to the Stephenson Grand Army Memorial committee.

ADJOURNMENT TO FRIDAY.

Mr. KEAN. I move that when the Senate adjourns to-day it be to meet on Friday next.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 12 o'clock and 25 minutes p. m.) the Senate adjourned until Friday, July 23, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate July 20, 1909.

PROMOTIONS IN THE NAVY.

The following-named commanders to be commanders in the navy from the dates set opposite their names, to correct the dates from which they take rank as previously confirmed:

William W. Gilmer, January 23, 1908;
Robert E. Coontz, January 7, 1909;
William H. G. Bullard, February 1, 1909;
Webster A. Edgar, February 25, 1909;
Joseph W. Oman, March 2, 1909;
Philip Andrews, March 11, 1909; and
Harold K. Hines, May 27, 1909.

Commander Francis H. Sherman to be a captain in the navy from the 16th day of June, 1909, vice Capt. Samuel W. B. Diehl, deceased.

Lieut. Henry C. Mustin to be a lieutenant-commander in the navy from the 24th day of June, 1909, vice Lieut. Commander Charles H. Hayes, promoted.

Lieut. Commander Benton C. Decker to be a commander in the navy from the 1st day of July, 1909, vice Commander Albert G. Winterhalter, promoted.

Lieut. Roland I. Curtin to be a lieutenant-commander in the navy from the 1st day of July, 1909, vice Lieut. Commander Mark L. Bristol, promoted.

Lieut. Needham L. Jones to be a lieutenant-commander in the navy from the 1st day of July, 1909, vice Lieut. Commander Archibald H. Scales, promoted.

Lieut. Thomas C. Hart to be a lieutenant-commander in the navy from the 1st day of July, 1909, vice Lieut. Commander Thomas Washington, promoted.

The following-named machinists to be chief machinists in the navy from the 3d day of March, 1909, after the completion of six years' service, in accordance with the provisions of an act of Congress approved March 3, 1909:

George O. Littlefield,
Otto Johnson,
Robert J. Vickery, and
Llewellyn H. Wentworth.

POSTMASTERS.

CONNECTICUT.

William Holmes to be postmaster at Shelton, Conn., in place of William Holmes. Incumbent's commission expired January 5, 1908.

GEORGIA.

Sigfried Schwarzweiss to be postmaster at Waynesboro, Ga., in place of Thomas Quinney. Incumbent's commission expired January 30, 1909.

ILLINOIS.

Mary A. Paine to be postmaster at Xenia, Ill., in place of Frank L. Paine, deceased.

MISSISSIPPI.

W. E. Clark to be postmaster at Gulfport, Miss., in place of Samuel R. Braselton. Incumbent's commission expired January 19, 1909.

H. W. Durrant to be postmaster at Coffeeville, Miss., in place of William A. Carr, removed.

MISSOURI.

James R. Dyer to be postmaster at Ash Grove, Mo., in place of James R. Dyer. Incumbent's commission expired March 1, 1909.

NEW JERSEY.

Ralph G. Collins to be postmaster at Barnegat, N. J., in place of Ralph M. Collins, resigned.

George F. Renear to be postmaster at Ocean Grove, N. J., in place of William H. Hamilton, deceased.

NEW YORK.

Frank G. Fuller to be postmaster at Broadalbin, N. Y., in place of Addison A. Gardner, deceased.

NORTH DAKOTA.

John King to be postmaster at Donnybrook, N. Dak., in place of Floyd C. White, resigned.

John McGauvran to be postmaster at Langdon, N. Dak., in place of John McGauvran. Incumbent's commission expired December 10, 1906.

William Simpson to be postmaster at Mandan, N. Dak., in place of Thomas Wilkinson. Incumbent's commission expired December 12, 1908.

OHIO.

George P. Bumgarner to be postmaster at St. Clairsville, Ohio, in place of Chandler W. Carroll, deceased.

William L. Maddox to be postmaster at Ripley, Ohio, in place of William L. Maddox. Incumbent's commission expired March 3, 1909.

William R. Thomas to be postmaster at Niles, Ohio, in place of Dennis S. De Garmo, resigned.

PENNSYLVANIA.

Cameron Boak to be postmaster at Hughesville, Pa., in place of Charles W. Bugh. Incumbent's commission expired December 13, 1908.

John H. Dunn to be postmaster at Parkesburg, Pa., in place of John H. Dunn. Incumbent's commission expired January 26, 1907.

T. Dean Ross to be postmaster at Williamsburg, Pa., in place of Samuel Sparr, removed.

Annie K. Stadden to be postmaster at Glen Campbell, Pa., in place of David I. Stadden, deceased.

TEXAS.

Alexander McCullough to be postmaster at Sourlake, Tex., in place of Thomas J. Stevens, resigned.

Robert B. Rentfro to be postmaster at Brownsville, Tex., in place of Joel B. Sharpe. Incumbent's commission expired January 27, 1908.

H. Schmidt to be postmaster at Bremond, Tex., in place of J. J. Staskey, not commissioned.

VIRGINIA.

G. W. Todd to be postmaster at Galax, Va. Office became presidential April 1, 1908.

WASHINGTON.

J. M. Parrish to be postmaster at Wilbur, Wash., in place of Charles A. Phillips, removed.

WEST VIRGINIA.

Benjamin O. Holland to be postmaster at Logan, W. Va., in place of Benjamin O. Holland. Incumbent's commission expired January 9, 1909.

WISCONSIN.

Amanda Price to be postmaster at Wonewoc, Wis., in place of Richard Price, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 20, 1909.

ASSISTANT SURGEONS IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Lawrence Kolb to be an assistant surgeon in the Public Health and Marine-Hospital Service.

Richard H. Lyon to be an assistant surgeon in the Public Health and Marine-Hospital Service.

James P. Leake to be an assistant surgeon in the Public Health and Marine-Hospital Service.

Hermon E. Hasseltine to be an assistant surgeon in the Public Health and Marine-Hospital Service.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

First Lieut. William P. Platt to be captain.
First Lieut. Edward M. Shinkle to be captain.

First Lieut. William R. Bettison to be captain.
Second Lieut. Robert R. Welshimer to be first lieutenant.
Second Lieut. William W. Hicks to be first lieutenant.
Second Lieut. Eugene B. Walker to be first lieutenant.
Second Lieut. Karl F. Baldwin to be first lieutenant.
Second Lieut. Charles K. Wing to be first lieutenant.

To be second lieutenants.

Edward Cornelius Hanford.
William Charles Koenig.
Harry Walter Stephenson.

MEDICAL CORPS.

To be captains after three years' service.

First Lieut. Albert G. Love.
First Lieut. Harold W. Jones.
First Lieut. Omar W. Pinkston.
First Lieut. Mathew A. Reasoner.

CAVALRY ARM.

First Lieut. Dorsey Cullen to be captain.
First Lieut. Louis R. Ball to be captain.
Second Lieut. William F. Wheatley to be first lieutenant.
Capt. Erneste V. Smith to be major.

PROMOTIONS IN THE NAVY.

Passed Asst. Surg. Samuel S. Rodman to be a surgeon.

The following-named assistant surgeons to be passed assistant surgeons:

Ernest O. J. Eytinge,
Curtis B. Munger,
Fletcher H. Brooks,
Edward U. Reed,
Edgar L. Woods, and
Ausey H. Robnett.

The following-named paymasters with the rank of lieutenant to be paymasters with the rank of lieutenant-commander:

Theodore J. Arms,
George R. Venable,
Hugh R. Insley,
George M. Stackhouse,
Grey Skipwith,
Trevor W. Leutze,
McGill R. Goldsborough,
David V. Chadwick, and
Eugene C. Tobey.

The following-named naval constructors with the rank of lieutenant to be naval constructors with the rank of lieutenant-commander:

William G. Du Bose, and
Ernest F. Eggert.

POSTMASTERS.

GEORGIA.

William H. Blitch, at Statesboro, Ga.

MISSISSIPPI.

W. E. Clark, at Gulfport, Miss.

NORTH DAKOTA.

John King, at Donnybrook, N. Dak.
John McGauvran, at Langdon, N. Dak.
Henry W. O'Dell, at Reeder, N. Dak.
William Simpson, at Mandan, N. Dak.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July 20, 1909.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

PREMIUMS OF BONDING COMPANIES.

Mr. SMITH of Iowa. Mr. Speaker, by direction of the Committee on Rules, I report the following privileged resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 90.

Resolved, That it shall be in order to offer the following as an amendment to the bill (H. R. 11570) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1909, and for other purposes:

"Until otherwise provided by law, no bond shall be accepted from any surety or bonding company for any officer or employee of the United States which shall cost in excess of the rate of premium charged for a like bond during the calendar year 1908, except that in any particular case or class of cases if the Secretary of the Treasury shall determine that the maximum rate of premium charged during the calendar year 1908 was less than a reasonable rate, he may, in his discretion, direct the acceptance of such bond or class of bonds, at premium rates exceeding not more than 50 per cent those charged during said calendar year: *Provided*, That hereafter the United States shall not pay any part of the premium or other cost of furnishing a bond required by law or otherwise of any officer or employee of the United States."

Mr. SMITH of Iowa. Mr. Speaker, this rule, if it should be adopted, will provide, in substance, that it shall be in order to offer an amendment to the pending bill that no official bond shall be accepted by the Government where the premium charged is greater than the like premium charged during the year 1908, except that upon a showing as to a given bond or class of bonds that the premiums of 1908 were inadequate, the Secretary of the Treasury may authorize an increase in the premium of 50 per cent over the amount charged in 1908, and that hereafter the Government shall not pay premiums upon bonds of any of its officers.

Generally speaking, it has never been the policy of the Government to pay bonding companies for becoming sureties for government employees, but in the Indian bill for 1909 there was this provision:

That hereafter the expense of procuring the official bond of any agent, superintendent, or other disbursing officer of the Indian Service shall be paid by the United States.

Up to that time it had never been the policy of this Government to pay anybody to become a surety on the bond of a government official. The law has required certain government officials to give bonds. They have always been at liberty to give either natural persons or bonding companies as sureties, but a strange exception was made in favor of these officers of the Indian Bureau, and a provision not expressly providing for paying the premiums upon the bonds, but providing for the payment of the expense of giving the bonds was inserted in the Indian appropriation bill, which provision has been interpreted to include the payment of the premiums as part of the expense. No specific appropriation was made for that purpose, but out of such funds as are available the department has been able to set aside about $21,000 for the payment of such premiums. The average loss for many years in the branch for which this provision was made has been $1,000 a year, and thus we have been providing for more than a year at the rate of $21,000 a year for premiums upon bonds where the average loss is $1,000 a year. No reason has been assigned why we should discriminate between the employees of the Indian Service and every other branch of the public service, and pay the premiums upon the bonds of the employees in the Indian Service and refuse to pay the premiums upon the bonds of any other government officials.

Mr. BURKE of South Dakota. Mr. Speaker, will the gentleman yield for a question?

Mr. SMITH of Iowa. Certainly.

Mr. BURKE of South Dakota. The gentleman says no reason has been assigned for making this exception. How is it, then, that the law was enacted which the gentleman has referred to?

Mr. SMITH of Iowa. I shall not attempt to explain how this law passed through Congress. Like many other laws, a good many Members did not know it passed at all. I am not going to discuss in detail that question, but I challenge any man to name a reason why the Government should pay the premiums upon the bonds of the agents of the Indian Office and refuse to pay the premiums upon the bonds of any other officer of the United States.

Mr. BURKE of South Dakota. If the gentleman will give me an opportunity sometime during this debate, I will be very glad to do that.

Mr. SMITH of Iowa. The gentleman will have abundant opportunity before the debate on the amendment closes.

Mr. BURKE of South Dakota. I will give the gentleman a reason.

Mr. SMITH of Iowa. And I shall be delighted to hear the gentleman's reason. Now, Mr. Speaker, immediately these bonding companies increased their rates to such a degree that although the premiums set apart by the Government were twenty times the amount of the average losses, yet it became necessary for the Indian Bureau to reduce the penalties through that service in order to be able to pay the premiums upon the bonds. And that is not all. There are about 18 or 20 of these surety companies that are authorized to do business——

Mr. LIVINGSTON. Twenty-two, I think.

Mr. SMITH of Iowa. Eighteen or twenty was stated by Mr. J. K. Bartlett, of the United States Fidelity and Guaranty Company, in his testimony. Seventeen of them met, and I shall show, without comparison of any data worthy of the name, that they made a horizontal increase of 300 per cent in the amount of premiums upon this class of bonds—not an absolutely uniform

increase, but an average increase amounting to 300 per cent, and in some cases to much more than 300 per cent.

Mr. DOUGLAS. Will the gentleman yield?

Mr. SMITH of Iowa. Yes.

Mr. DOUGLAS. An increase of 300 per cent over what?

Mr. SMITH of Iowa. Over what they had been charging last year, and thereby admitting that the charge of last year was a fair and legitimate charge.

Mr. DOUGLAS. Does the gentleman mean to say that they in any way directly or indirectly admitted that the charges of last year, which, as everybody knew, were the result of most dire competition and cut-throat business, were fair charges?

Mr. SMITH of Iowa. Mr. Speaker, I say that if I offer to sell insurance at a fixed rate anywhere in the United States I do admit that is a fair rate, and the admission is to be taken as against me, but not absolutely conclusive if it is demonstrated that the admission is an erroneous one. Now, I do not care to be constantly interrupted at present, but will cheerfully yield later. I want to call attention to the performance of these 17 companies, as shown by the testimony before the members of the late Committee on Appropriations.

I read first from page 9 of the hearings on questions addressed to Mr. Bartlett, representing 12 companies that asked to be heard before the committee:

Mr. SMITH. Can you not fix the percentage of profit that the company ought to have? Have you had a long enough experience?

Mr. Whelan answers this, although Mr. Bartlett is making the statement.

Mr. WHELAN. Of course you can fix the percentage.

Mr. SMITH. What do you say would be a fair rate in that sense? How much should the gross receipts of these companies exceed their gross losses in percentages, assuming you have had sufficient experience to find out?

Mr. WHELAN. There is a way by which, if we could sit down with the government representatives, we could arrive at that.

Again, on the same page—

Mr. SMITH. I am asking you if it is possible to know just what the rate to cover the actual losses ought to be in each separate branch of this Government, and what per cent you ought to ask of that to get your rate of premium.

Mr. WHELAN. I think that can be answered.

It will be observed that he said that could be answered, but did not answer it.

On page 11 Mr. Bartlett is asked:

Mr. SMITH. Do you know the expense of the overhead charges in your company as compared with the premiums received? Do you know what percentage it is?

Mr. BARTLETT. I could answer that, but not offhand, because I have not figured it.

This company does not even know what percentage its overhead charges are of its receipts; it could figure it, but did not.

Mr. Bartlett, on page 13, says:

It is a difficult thing for these surety people to know what the percentage of their losses to the premiums is.

It is difficult when any effort is made to analyze their experience.

On page 14 he was asked this:

Mr. SMITH. Have not these companies been engaged in cutting rates in competition locally?

And he answered:

Mr. BARTLETT. There has been keen competition, local and otherwise. No two companies have ever charged the same rates for a bond unless it was done by accident.

On page 27 of the hearings I read:

Mr. SMITH. I would like to ask you a question or two that may be specific. We are unable to get from you gentlemen anything excepting information in relation to isolated companies' rates, or isolated branches of the public service. It has been conceded here that the rates have been restored and made substantially uniform. I would not suggest even that that was done by agreement between the companies——

Mr. BARTLETT. No; pure accident.

Mr. SMITH. Yes; I presume it is pure accident.

Mr. BARTLETT. And interchange of experience.

Mr. SMITH. And that is just what I was coming up to. I suppose that notwithstanding there was no agreement as to these rates, that there was an interchange of experience. Why is it that on account of, and as a result of, that interchange of experience, upon which you took such important action as to raise the rates 300 per cent in many cases, that we can not get that experience; that we can not know what it is? Why is it not produced here?

Mr. BARTLETT. I will say that notice of this meeting only reached me yesterday, and I had these figures immediately prepared, that I have given here.

Mr. SMITH. But you long ago had the information upon which you raised the rates prepared and upon which you acted.

Mr. BARTLETT. We might just as well be frank about this thing and admit that the books of the company show, excluding the unknown contingent deferred liability, a profit on government official business. That is true. My figures show it.

Mr. OLMSTED. Is that on the old rate?

Mr. SMITH of Iowa. Yes; that is on the same old rate.

On page 27:

Mr. SMITH. You do not mean to say that when you came to raise the rate 300 per cent you bunched them all in, contracts, supplies, and everything else, and gave no consideration to the relative risks?

Mr. BARTLETT. I mean to say this: That we were not as careful in classifying these government official bonds as we might have been. I want to be perfectly frank about this thing. I think a reclassification of the government official rates should be made, and I echo what Mr. Whelan has said. I want to make that reclassification with the aid of the statistics of your department, and I want you gentlemen to bring about the appointment from the departments of some men who can confer with some of our men and get this upon a satisfactory basis.

Mr. SMITH. But that will require time and legislation.

Mr. BARTLETT. It will not require any legislation.

Mr. SMITH. Oh, yes; it will require legislation. We have no control; we can not send men from the departments to confer with your committee.

Mr. BARTLETT. But if you will allow time, it will be done

Mr. SMITH. Now, before your company took this radical action of an advance of 300 per cent, not by "agreement," but, as you say, by "interchange of experience," I should have thought, especially in view of the short history of this kind of insurance, which leaves but a limited table of mortality, if I may use that figure of speech, that if you had received from every company its views based upon its experience as to employees and officials of the Government, and by reason of that you found what a just rate would be, and thereupon advanced the rate accordingly and arbitrarily—that if you did that, I would ask why you do not produce that very material information?

Mr. BARTLETT. Let me tell you the way it was done: The executives of those companies have so much else to take care of that the question of rates is one that they leave to the heads of the respective departments. Each company has an official department, a contract department, and a fidelity department. The heads of these departments, after this meeting of all of the insurance commissioners, met in conference to exchange opinions as to what rates ought to be made in order to provide enough to pay losses, expenses, and some return to the stockholders.

Mr. SMITH. Do you mean that they exchanged opinions without obtaining data from their own books?

Mr. BARTLETT. Each head of each department knew what his experience was. I was not present at those meetings, and I do not know whether they laid the data down on the table or not.

* * * * * * *

Mr. BURLESON. Upon what did they base their action? I understood you to say that they exchanged experiences.

Mr. BARTLETT. They did, and the experience of every company was that they were losing money. And there is only one way, if they are losing money, to correct that downward trend, and that is to raise the rates.

Mr. SMITH. On everybody paying excessive rates as well as those paying insufficient rates?

Mr. BARTLETT. No; I suppose there was some sense displayed, but I will state frankly that since this matter has come up I am satisfied from my own information, from such investigation as I have been able to make, that it might have been done more scientifically.

On page 32 of the hearings:

Mr. SMITH. Have you not quoted in your schedule rates on numerous officials of the Government who do not give bond?

Mr. BARTLETT. Yes; and we hope that some day they will be required to give bond.

So scientifically had they prepared these schedules for government officials that they did not even care to know what officials were required to give bonds, but hoped that all would be required to give bonds. It appears here that the lowest rate to any official of the Post-Office Department is a dollar a thousand. It appears here that if that minimum rate was collected it would produce $200,000 on an average loss of $32,000 a year, and yet these rates being 6 to 1 were not adequate to satisfy these companies, who never have shown the data of any one company to another, and never known from their own information and their experience what the loss has been upon bonds given to the Government.

On page 41 of the hearings:

Mr. SMITH. It appears that the companies, without comparing their own data with one another, and without gathering the Government's data, and without taking any of the ordinary business means of ascertaining what this class of risks ought to pay, met and increased this rate, and I say that you gentlemen should accept the old rate until the matter can be investigated rather than to ask a 300 per cent raise over what you have been getting.

Mr. Supplee, assistant to the president of the same company, then tells the story of the darkey who wanted mercy rather than justice and closes by insisting that they are seeking mercy and not justice, and practically admits that they made a mistake in this reclassification.

And why should he not admit it? The testimony shows that the gross annual premiums of Mr. Bartlett's company exceed the total capital and reserve of that company, and that these companies have most of them been paying small dividends. And if they can raise the rate 300 per cent, even allowing for the amount of increased commissions to agents, they would be able to pay over 200 per cent annual dividends upon their stock That is the form of scientific revision of rates indulged in by this combination of 17 companies.

Now, I am not going to read all this testimony that is pertinent to this subject. These companies, most of them, started in as fidelity companies. They had no experience. There were no tables upon which they could act, but they were then only guaranteeing fidelity of public officials, of administrators, of

guardians, and of employees. They soon branched out into signing bonds for appeal purposes in the courts, injunction bonds, and contract bonds of every kind and character. Manifestly an experience in becoming surety for a man's mere integrity would throw no light upon the amount that ought to be charged for signing the bond of a man making a great contract with the Government or with a railroad company or with a great institution of any kind. The very lack of knowledge of what the loss was upon such bonds required that those companies study their limited experience with closer care, but the evidence shows that they have never classified it at all. They say they have not made much money; but not one of them can tell whether they have lost this money on fidelity bonds or on contract bonds, or where they have lost it, if lost it they have. And so these gentlemen, without looking even at their own experience and comparing it with the experience of others, without classifying the experience of themselves or others, without calling upon this Government to know what its experience is, met, and in a gentleman's agreement raised the rates 300 per cent upon government employees, when they were already receiving six times the amount of their losses, and when they admit that they have made money on the government business; and the rates now established, as shown by the experience of the Government, are nearly ten times their losses.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. SMITH of Iowa. I will yield for a question.

Mr. MOORE of Pennsylvania. You have referred to the 17 companies, which you say formed a combination to raise the rates, and you have given us certain information resulting from your inquiries. Did you inquire into the question whether any of these companies accept deposits or do a trust-company business independent of the surety business?

Mr. SMITH of Iowa. I have not personally inquired about that, but I know that they are doing all kinds of surety business, signing saloon keepers' bonds, and everything of that kind, and not classifying the risks so as to know what one costs as compared with another.

Mr. TAWNEY. If the gentleman from Iowa will pardon me, I will say I have investigated that, and under the regulations adopted by the Secretary of the Treasury and agreed to by the heads of all the departments, no trust company can bond an employee of the Government unless the head of the department in which that employee is engaged withdraws from that agreement. The reason for that is that trust companies that accept deposits and do a general banking or trust-company business can not file a financial statement in such detail as the regulations of the Treasury Department require.

Mr. MOORE of Pennsylvania. I do not want to interrupt the gentleman, but I did want to bring this point to his attention—that it is the depositors after all that Congress ought to protect.

Mr. SMITH of Iowa. These 17 companies are not companies accepting deposits.

Mr. MOORE of Pennsylvania. I should like to have a provision recommended that would protect the Government against those companies that accept deposits.

Mr. SMITH of Iowa. The Government will not take them now, so that is protected already.

Now, when the census bill came before the House it appeared that these bonding companies had fixed the annual premium upon the disbursing officer of the Census Bureau so that it cost $375, and Congress was compelled to increase his salary $375 in order to cover that loss to him. So that not only in the Indian Bureau are we paying these infamous rates, but we are now paying them for the disbursing officer of the Census Bureau; and if these rates are to be imposed, it means a powerful pressure and a just pressure for an increase of salaries all along the line. The Government therefore is vitally interested in the question whether these companies are to be permitted thus to hoist these rates of premium, without investigation and without knowledge. The committee therefore thought that this ought to be brought to the attention of the House.

I have heard some suggestion that this amendment ought not to repeal the provision for bonding the men in the service of the Indian Bureau. If this rule is adopted, the whole question comes directly before the House for its consideration. If they ought not to be under the same rule as other employees of the Government, then a motion to strike out that part of the amendment will be in order, and ample consideration will be given to the working out of the details of this legislation. The sole question upon the adoption of this rule is whether the House shall have the right to take up this whole problem and, for the time being at least, settle it.

We do not claim that we have been able to find just what the rates ought to be, and we admit there has been violent competition that may have run some rates too low; but when these companies voluntarily accept a price, that in fact and in law is an admission that it is a fair price. We have not even seen fit to bind them down there, as we well might have done, until this question could be settled, but have provided that if they can make a showing in any case that the rate is too low, the Secretary of the Treasury may authorize an increase of 50 per cent in that rate—a very conservative provision.

Mr. MANN. Is the gentleman able to tell us how that provision got into the Indian appropriation bill?

Mr. SMITH of Iowa. I have not the slightest idea, but I know it never would have gone in there if I had known about it without a fight on it.

Mr. MANN. Let me inform the gentleman, for his benefit, that it did not get in in the House.

Mr. SMITH of Iowa. It was a Senate amendment.

Mr. MANN. And there never was any consideration of it in the other body.

Mr. SMITH of Iowa. But that question can be thrashed out on the floor, as to whether that ought to be repealed or not. The question before the House now is whether it will allow this combination of 17 companies to hoist these rates in this way, arbitrarily, and without investigating their own or anybody else's data, and whether we will take any action at all.

Mr. DOUGLAS. I should like in connection with this proposed rule to ask the gentleman a question simply for my own information, for I have no ax to grind in the matter. If there is a surety company in my State, I do not know its name. Can you tell me what companies are not in this combination of 17?

Mr. SMITH of Iowa. One company, the United States Guaranty Company of New York, is the only one I can identify.

Mr. DOUGLAS. I read every word of the hearings last night, and I thought there were five or six companies that were not in it, according to the hearing.

Mr. LIVINGSTON. There are.

Mr. SMITH of Iowa. They are not all authorized to be accepted as government surety.

Mr. DOUGLAS. Another question in connection with the adoption of the rule. The gentleman read from the record of the hearing of the testimony of Mr. Whalen and Mr. Bartlett, that they were anxious to have a meeting of their committee with certain representatives of the departments in Washington to consider this matter with some care. Now, I would like to ask the gentleman why, if this be possible, this rule should be adopted and this legislation put on the statute book instead of waiting for that opportunity?

Mr. SMITH of Iowa. I will answer that and then I must close the debate as far as I am concerned. As a matter of fact, this only provides that this shall be the rule until otherwise provided. These gentlemen want to charge 300 per cent increase, but we say that until the time comes when we can settle what a fair rate is, if they get 50 per cent more than they fixed themselves as a fair rate, that is enough.

Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has thirty minutes.

Mr. SMITH of Iowa. I will yield twenty-five minutes to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, the gentleman from Iowa has covered the ground so fully that I do not propose to say anything on the proposed amendment. It seems to me desirable that the House should have an opportunity at this time to consider some legislation properly regulating the charges for bonds of various employees of the Government. To me it is a matter of regret that conditions in this House are such that it is not possible to consider this legislation in the ordinary manner, but that it is necessary to resort to a special rule in order to enable Members of the House to consider the legislation. I understand that some Members wish to occupy time in opposition to the rule. As I shall vote for it, I yield back to the gentleman from Missouri the remainder of the time, so that he may utilize it.

Mr. CLARK of Missouri. How much do I get back?

The SPEAKER. Four minutes.

Mr. CLARK of Missouri. I yield ten minutes to the gentleman from Pennsylvania [Mr. A. MITCHELL PALMER].

Mr. A. MITCHELL PALMER. Mr. Speaker, the purpose of this rule is as transparent as a piece of double-thick, treble-protected American plate glass. Its object is to force the Members of this House to support a piece of new legislation without ample opportunity for its consideration because of their unwillingness to oppose a necessary appropriation bill.

And yet it has only been a matter of two or three weeks since the Porto Ricans were denounced upon the floor of this House,

especially upon the other side of the Chamber, as being absolutely unfit for self-government because they did precisely the thing which the author of this bill has done, namely, they insisted upon making some necessary new legislation a part of the same transaction with their appropriation bills. I do not mean to say that anybody in this House is incapable of self-government, but I do say that it is evident that the author of this bill refuses to give the Members of this House credit for as much courage and independence as the Porto Ricans possess, for he thinks it is necessary, in order to pass this piece of new legislation, to tack it upon an appropriation bill.

Mr. Speaker, this rule is only another link in the chain of evidence which has convinced the people of this country beyond a doubt that the House of Representatives is not controlled by its membership, nor even governed by the laws which it has made for its own guidance, but that it is absolutely and entirely dominated by the sweet will of the majority of the Committee on Rules. [Applause.]

Mr. Speaker, no more striking example of the power of the Speaker in shaping and controlling legislation in this House could possibly be cited than the passage of this resolution before us to-day. Here is an amendment to an appropriation bill which is so palpably in violation of the rules of the House that the merest tyro in legislative matters could cite the very language of the rule against which it offends. That rule can only be suspended by a two-thirds vote of the House, and yet we find the Committee on Rules brings in a special order which when sustained by a bare majority of the Members present absolutely abrogates and wipes out of existence the very law the House has made for its own government. When we see this process repeated day after day, when we recall that this same operation has been performed on every piece of important legislation that has been before the House at the present session, and when we remember that the Speaker holds the balance of power on that committee and casts the deciding vote, we can understand why the country has come to believe not only that the Speaker is the most powerful man in this body, but that in the balance scales of power he actually weighs as much as two-thirds of the entire membership of this House. [Applause.]

My experience here has been brief, but it has been long enough to leave upon my mind the firm impression that these rules of the House are not so bad, if you would only let them alone. And I believe the criticism of the country is based not so much on what the rules contain as upon the fact that when it suits the convenience of the powers that be the rules are so easily overridden by the one deciding vote in the Committee on Rules.

Mr. Speaker, it is no wonder that my distinguished friend from Pennsylvania [Mr. OLMSTED], who is recognized as one of the great parliamentary experts of this body, was able and willing during the last session of Congress to make that great speech in defense of the rules under which we are supposed to operate, a speech which was a veritable classic on the question of the parliamentary law that governs this body. I am not surprised now, though I was once, that the great Speaker of this House was able and willing to write a magazine article which caught the attention of millions of his countrymen, in which he made such a plausible defense of the rules under which, I repeat, we are supposed to operate, for it is a fact that the Republican organization in this House could sit blindfold while we wrote into these rules every amendment that our hearts might desire or our minds conceive, and still, with an anchor to windward in the shape of this Committee on Rules, they could laugh at our puny efforts at reform. [Applause on the Democratic side.] Why, if we could muster sufficient votes in this House to approve such old-fashioned doctrine, we might embody in these rules the Ten Commandments and the Sermon on the Mount, and the Committee on Rules could wipe them all out of existence by bringing in a little special rule. [Applause on the Democratic side.] And I do not know but what they would, for we have high Republican authority for the doctrine that the decalogue has no place in American politics anyway. [Applause on the Democratic side.]

I repeat, it is not so much what is in this book of the House rules that we object to, but what we do object to, and, in my opinion, what the country objects to upon the question of these rules, is that we can not know what the rules of the House are by studying this book, no matter how deep into it we may dig, or how earnestly we may study the interesting pages of the Digest; but we must wait, to know the rules and the law of the House, until we hear it while listening with bated breath to the words that fall from the lips of the distinguished gentleman from Pennsylvania [Mr. DALZELL], or his eloquent and ferocious substitute, the gentleman from Iowa [Mr. SMITH], who brings in the report of the Committee on Rules. [Applause and laughter.]

Mr. Speaker, as my friend the minority leader would say, "So much for that." [Laughter.] I am opposed to this amendment on its merits, and I want it understood at the start that I do not oppose it out of any consideration whatever for the great bonding companies of the United States, who are alleged to have entered into this combination. I heartily applaud every word that my distinguished friend from Iowa——

The SPEAKER. The time of the gentleman has expired.

Mr. CLARK of Missouri. Mr. Speaker, I yield the gentleman five minutes more.

Mr. A. MITCHELL PALMER. Mr. Speaker, I heartily applaud everything which the gentleman from Iowa [Mr. SMITH] has said in condemnation of this alleged combination or "gentleman's agreement." I can not bring myself to believe that the business of the bonding companies with relation to the Government has resulted in such loss as justifies this large increase in the rate of premium they are charging upon the bonds of the government officials. I am not defending these companies, nor seeking to excuse their course, but, as I view the matter, their conduct is, as we say in the law courts, "immaterial, irrelevant, and incompetent," with respect to the real issue raised by this amendment. For, Mr. Speaker, I am firmly convinced that the remedy which is proposed in this legislation for this condition is fraught with greater danger than the evil which you seek to correct. [Applause on the Democratic side.] I see in it a long step in advance toward the obnoxious regulation of the private affairs of individuals and corporations with which the General Government has absolutely no power to deal. I understand these corporations, these bonding companies, are every one of them corporations created and existing under the laws of the separate States, subject to such duties and possessing such powers as are given them by the laws of the several States of their incorporation. They are engaged in a business which the Supreme Court of the United States has distinctly held does not come within the commerce clause of the Constitution, and yet you propose to fix the price at which these corporations shall sell the commodity in which they deal to the private citizen. For it will be observed that under this amendment the United States Government pays no part of these premiums. It is expressly forbidden to pay any part of the premiums, and rightly so; yet you propose to fix the price which the individual employee of the Government shall pay out of his own pocket for the premium on the bond which he may buy if he wants to, but is not compelled to buy.

It seems to me it would be just as proper for the Congress of the United States to fix the price which the individual employee of the Government shall pay here in Washington for the food which he eats or the clothes which he wears or the house which he rents as to fix the price for the bond which he may buy. And surely every Member of this House will agree with me that legislation of such a character would be nothing short of a monstrosity.

Mr. SMITH of Iowa. Will the gentleman allow me to make a suggestion? The Secretary of War has just ordered that hereafter this Government shall buy no trust-made or trust-sold goods. May we not say that we will not accept the bonds from employees which are given by these companies in this combination?

Mr. A. MITCHELL PALMER. Mr. Speaker, I admit the right of the Government of the United States in passing legislation about things it proposes to buy to fix the price. We have always done that. The armor-plate contracts are a conspicuous example. But the Government is not buying these bonds; and I say it would be just as sensible for you to say that because rents have gone up in the city of Washington that has necessarily constituted a practical diminution of the salaries of the employees of the Government, and that, therefore, we ought to punish the landlords of the city by saying the Government will not permit them to charge its employees any more than a certain amount of rent for these houses.

It seems to me that the author of this resolution looks at the thing from the wrong point of view. The Government of the United States, so far as this legislation is concerned, is in the position of an employer of labor, and the same principles of good business ought to apply to our consideration of this measure as would apply in the case of private employment. The interest of the Government lies only in getting the best service out of its employees, and the safest and most certain security that that service will be properly performed. I can conceive of no private employer of labor who would invite, much less command, his employees to give him anything except the very best security obtainable. Yet the surety companies which are alleged

to have entered into this combination are the strongest bonding companies in the United States, and you now propose to legalize a boycott against the strongest companies in the country and say to our employees and officials: You shall not go to these strong companies for the bonds acceptable to the Government, but you must go to the weaker surety companies of the country or return to the notoriously bad, insufficient, and antiquated plan of furnishing individual sureties on your bonds.

Now, it is argued by the gentleman from Iowa that this is a proper course, for the increase in the premium rates will result in a substantial diminution of the salaries of government officials.

The SPEAKER. The time of the gentleman has expired.

Mr. CLARK of Missouri. I yield to the gentleman one minute more.

Mr. A. MITCHELL PALMER. Mr. Speaker, I recognize the high position of the author of this bill in the House, but I do not believe that he is authorized to speak for the entire Congress of the United States. I can not believe that the time will ever come when the Congress of the United States will increase the salaries of its individual employees and officials because of the fact that they must pay a premium on a bond if they want to get it from a surety company instead of going to their own friends to insure their honesty and fidelity. Only one out of four of the bonds given to the United States Government is written by a surety company.

According to the report of the Secretary of the Treasury, there are approximately 500,000 bonds running to the United States Government, with penalties aggregating $4,000,000,000. Of these only 25 per cent have corporate surety. Three-fourths of all the bonds running to the Government to-day have individual sureties, and it would be manifestly unfair to increase the salaries of those officials and employees of the Government who have not friends who will guarantee their faithful and honest service and who must therefore give a corporate surety, while leaving the salaries of others alone. [Loud applause.]

Mr. CLARK of Missouri. How much time have I left, Mr. Speaker?

The SPEAKER. The gentleman has eight minutes remaining.

Mr. CLARK of Missouri. I yield that to the gentleman from Maryland [Mr. GILL].

Mr. GILL of Maryland. Mr. Speaker, the gentleman from Pennsylvania, who has just preceded me, has so thoroughly, it seems to me, called the attention of the House to the condition which is presented by the rule proposed to be adopted by the Committee on Rules that it is scarcely necessary for me to say anything further. Why, Mr. Speaker, the Sixty-first Congress has been assembled for the past four months, yet notwithstanding that length of time no committees, save three, have been appointed to take into consideration the business which should properly come before this House. Notwithstanding the fact that not even the great Appropriation Committee of this body, which should properly assemble to report to this body the necessary appropriations to be made for this special session of the Sixty-first Congress—notwithstanding these facts, we find this hollow mockery of our rules. A self-constituted committee of five or six gentlemen, Members of this House, have undertaken to assemble, to hear witnesses, and to take testimony, not upon matters which they as members of the Appropriation Committee should properly and rightfully deal with, but upon legislation upon a subject which is absolutely new and which affects the rights both of corporations and individuals in this country. I say, Mr. Speaker, that under these circumstances it seems to me that the Republican Members of this body would wish not to pass this rule that is now proposed, but would wish at this time to demonstrate to the country that they are willing to abide by the rules established for the government of this body that they themselves have adopted, and not undertake, sir, to override our rules, especially this very good and valuable rule which prevents any new legislation from being incorporated in appropriation bills.

Now, Mr. Speaker, I want to say a few words to call attention to another matter here. My contention is that the adoption of this legislation, instead of being helpful and for the best elucidation of the propositions contained therein, will, on the contrary, render the greatest and most extreme confusion with regard to this matter. And why, Mr. Speaker, do I believe that to be the case? It is said in this proposed law that—

> No bond shall be accepted from any surety or bonding company for any officer or employee of the Government which shall cost in excess of the rate of premium charged for a like bond during the calendar year of 1908.

"For a like bond." Now, what does that mean? A like bond is issued to the individual—a treasurer or clerk or some officer of a banking institution, or of an individual; a like bond is issued to the employees of a state government. Now, what bond is meant? Is it to be a rate charged to an individual; is it to be a rate charged to a state officer for a like bond; or is it to be a rate charged to a government officer during that year for a like bond? Now, if it is a rate to be charged to a government officer, I ask the gentlemen of that committee who propose this legislation to tell this House what rate is to be charged. I say to you that the bonding companies have charged during the year 1908 all sorts of rates for similar or like bonds. I say to you that they have charged to a letter carrier in some places 25 cents a thousand, in other places they have charged 50 cents a thousand. Every company, under the keen competition that has been taking place between these companies in the last five years, has selected to choose and frame its own rate, and some of them have decreased their rate to such an extent that they are to-day, by reason thereof, in danger of financial bankruptcy. Now, what rate are you going to take; what is the rate that is meant? I say, Mr. Speaker, that this proposition means nothing but the direst confusion; and nobody is benefited by the second provision, which authorizes the Secretary of the Treasury to change these rates, because it places upon him a limitation dependent upon the rate fixed in the first part of the paragraph.

He can not exceed 50 per cent of the rate fixed by the first part of the paragraph; and if you can not fix what that rate is, how can the Secretary of the Treasury undertake to increase it 50 per cent? [Applause.] For these reasons, Mr. Speaker, I hope that this House will not at this time violate its own rules by the passage of this resolution. [Applause.] I yield back my time.

Mr. CLARK of Missouri. How much time have I left?

The SPEAKER. There is no time remaining to the gentleman.

Mr. SMITH of Iowa. I demand the previous question upon the passage of the resolution.

The previous question was ordered.

The question was taken on agreeing to the resolution; and on a division (demanded by Mr. A. MITCHELL PALMER) there were—ayes 145, noes 54.

Accordingly the resolution was agreed to.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the urgent deficiency appropriation bill (H. R. 11570).

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the urgent deficiency appropriation bill (H. R. 11570), with Mr. WANGER in the chair.

Mr. DOUGLAS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Ohio rise?

Mr. DOUGLAS. I rise to speak to this provision in the bill.

The CHAIRMAN. There is a point of order pending, made by the gentleman from Pennsylvania [Mr. A. MITCHELL PALMER].

Mr. DOUGLAS. I thought that was settled by the rule.

Mr. A. MITCHELL PALMER. Mr. Chairman, I made a point of order against the paragraph just before the committee rose last night. That has not yet been disposed of. It seems to me that the Chair will have to rule upon the point of order, because the resolution reported from the Committee on Rules will have no application unless this point of order is sustained, because it proposes to make an amendment to the bill in order. At the present time it is in the bill.

The CHAIRMAN. If the gentleman insists upon his point of order, it will be sustained.

Mr. A. MITCHELL PALMER. I do.

The CHAIRMAN. The point of order is sustained.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, to insert the paragraph which has just been ruled out of order.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert, on page 12, after line 22, the following:

"Until otherwise provided by law, no bond shall be accepted from any surety or bonding company for any officer or employee of the United States which shall cost in excess of the rate of premium charged for a like bond during the calendar year 1908, except that in any particular case or class of cases if the Secretary of the Treasury shall determine that the maximum rate of premium charged during the calendar year 1908 was less than a reasonable rate, he may, in his discretion, direct the acceptance of such bond or class of bonds, at premium rates exceeding not more than 50 per cent those charged during said calendar year: *Provided*, That hereafter the United States shall not pay any part of the premium or other cost of furnishing a bond required by law or otherwise of any officer or employee of the United States."

Mr. BURKE of South Dakota. I move to amend by striking out the proviso. Mr. Chairman, I desire to say a word on this amendment that I have offered. I am not opposed to the amendment offered by the gentleman from Minnesota, with the exception of the proviso. I am opposed to the proviso for the reason that in the first session of the last Congress a law was passed by which it was provided that hereafter the expense of procuring the official bond of any agent, superintendent, or other disbursing officer of the Indian Service shall be paid for by the United States.

It seems to me that it is going pretty far in this special session of Congress, when no committees have been appointed, and upon an urgent deficiency appropriation bill, to propose to repeal legislation that was enacted by a former Congress. If I could have had the opportunity, I would have opposed the rule on the ground that I do not believe it is good practice to repeal existing law enacted by a former Congress through a procedure such as this.

The gentleman from Iowa [Mr. SMITH] stated that there was no good reason why that law to which I have referred was passed. It was also suggested that the legislation did not originate in this House, and that it was slipped into an appropriation bill in some other body than this House. I do not know whether it was incorporated in a bill in this House or not, but I find House Document No. 40, first session Sixtieth Congress, which discloses how this matter was brought to the attention of Congress. I hold in my hand House Document No. 40, first session Sixtieth Congress, which is a letter from the Secretary of the Treasury addressed to the Speaker of the House of Representatives.

This communication is accompanied by a communication from the Secretary of the Interior, and the Secretary of the Treasury transmits it. It pertains to this subject, or this legislation to which I have referred. There was nothing surreptitious about it. It was done in the usual way that such matters are brought to the attention of the House, and, so far as I know, it was considered the same as any other legislation is considered here. This document was referred by the Speaker of the House——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURKE of South Dakota. I ask unanimous consent for ten minutes more.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent that he may proceed for ten minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from South Dakota is recognized for ten minutes.

Mr. TAWNEY. Mr. Chairman, I did not understand the gentleman's request to be for ten minutes more. I will consent to extend his time five minutes, but I can not consent to men speaking for fifteen minutes on this proposition. We would not get through with it to-day if we did.

The CHAIRMAN. Leave was given without objection, and the announcement made.

Mr. TAWNEY. I did not hear what the Chair said.

Mr. BURKE of South Dakota. Right at this point it might not be out of order for me to call the attention of the committee briefly to the procedure that has obtained up to this time in regard to this particular amendment.

The gentleman from Minnesota [Mr. TAWNEY], in charge of this bill on the floor of the House, last night stated that all that the provision did was to affect the bonding companies, and he made no reference whatever to this proviso.

When I asked for time to-day when the rule was being considered that I might say something relative to this proviso, I was told that I could not have the time, and now when I ask for ten minutes the gentleman in charge of the bill is the only gentleman that rises to object to that request.

I have said that this document was referred to the Committee on Indian Affairs, and I want to quote from this letter, which is dated November 22, 1907, from the Secretary of the Interior, who says:

> The bonded liabilities of officers in the Indian Service amount approximately to $7,000,000. The premiums on bonds are paid by the officers giving them. Many of the bonds are very large and impose a considerable burden on the makers in paying the premiums. This is true where a large amount is required and the salary paid is not commensurate with the administrative and fiduciary responsibility.

And I commend this to my friend from Iowa, who defied anyone to offer any reason why the Government should pay for the bonds in any case. He, the Secretary of the Interior, says:

> To illustrate: The United States Indian agent at Kiowa Agency receives a salary of $1,800 per annum and is required to give a bond for $100,000, although that amount is not sufficient at times to prevent embarrassment in placing money to his credit. There are other similar cases.
>
> It is estimated that the premiums on all the bonds given in the Indian Service will cost annually not to exceed $15,000. If the Government pays for them, it will relieve the disbursing officers of the service of a severe drain on their salaries, which in many cases, especially where the compensation is low, is a burden which the Government can readily assume in the best interests of good administration.
>
> Under the present system, to save disbursing officers the expense of making large bonds, it has been the custom to fix the amount at as small a sum as seemed adequate to protect the interests of the Government and the Indians. The amounts coming into their hands fluctuate, however; and when, by reason of unforeseen circumstances, they become accountable for a large amount, their weekly balances are swelled to such an extent as to exceed the amount of the bond, and then the Indian Office is estopped from placing to their credit such sums as enable them to handle easily and expeditiously the affairs under their charge. This condition exists until the balances are reduced to the normal amount.
>
> I am advised that some large corporations pay the premium on the bonds they require from those employees in whose hands funds are placed. This is an excellent custom, and one which insures the proper safeguarding of moneys intrusted to a fiduciary officer without forcing him to draw on his salary for that purpose.
>
> Aside from the advantages to be derived from the Government controlling this matter, it also is justice to the employee, as often his salary is not proportionate to the liabilities imposed upon him by virtue of his position; and if he were relieved of the expense incident to making these bonds, more energetic and better service would be the result.

Now, Mr. Chairman, it appears that this matter came to this House through the proper channel, a communication from the Secretary of the Treasury transmitting this communication from which I have quoted, from the Secretary of the Interior, wherein it is made very plain why an exception should be made so far as the employees in the Indian Service are concerned. My amendment is to strike out the proviso: Why? Because I understand that the only department of this Government where the bonds are paid for by the Government is the Indian department. In the Indian department, in addition to having governmental funds, there are large sums of money in the form of trust funds that superintendents and other officials in the service are responsible for, and therefore very large bonds are required where the salary is only nominal. I know of instances where financial clerks and Indian agents only receive a salary of one thousand or twelve hundred dollars a year, and yet they are required by reason of funds in their charge to give very large bonds, as high as $50,000; and in the communication from the Secretary of the Interior from which I have already quoted it appears that the agent at the Kiowa Agency, in Oklahoma, on a salary of $1,800 a year, gives bond of $100,000.

Mr. Chairman, these officials and employees of the government service are now having their bonds paid for by the Government, and in many instances, by reason of that fact, their salary is fixed, making allowance for the fact that the Government has paid for the cost of the bonds. This being in accordance with the law enacted by Congress, I say that by such a procedure as we have here to-day it is unfair to repeal it.

Mr. HARDWICK. Will the gentleman yield?

Mr. BURKE of South Dakota. I will yield to the gentleman from Georgia.

Mr. HARDWICK. Take as an illustration this man from the Kiowa Agency, drawing $1,800 a year, who is required to give a hundred-thousand-dollar bond; if the Government ceases to pay for that bond it will have to increase his salary, will it not, and so it would save nothing?

Mr. BURKE of South Dakota. Absolutely nothing, and, as stated in this communication from the Secretary of the Interior, we get more efficient service where the Government pays for the bond than where it does not.

Mr. TAWNEY. Will the gentleman yield to me?

Mr. BURKE of South Dakota. I will yield to the gentleman from Minnesota.

Mr. TAWNEY. In answer to the question of the gentleman from Georgia, I want to ask the gentleman from South Dakota if it is not a fact that that office of the Kiowa Agency has been filled all these years until the fiscal year 1909 and the bond given with the premium paid for by that officer? So how can you say that you would have to get another man to fill it?

Mr. BURKE of South Dakota. I have no information whether the agent heretofore has given a surety-company bond or a personal bond. I do know that in this House during this session we added to a salary the sum of $380 that an official might not have to pay the cost of his bond.

In that case there was a large bond required; I forget the amount. The salary, I think, was $2,500, and it was raised, as I remember, to $2,860 entirely because of the fact that it was claimed it would cost this official $360 to pay for his bond. Now, in conclusion, I want to say that this law having been enacted in the usual way of enacting legislation in a regular session of Congress, in this special session, without the consideration by any committee, to bring into this House a proposition clearly not permissible under the rules, and to force it through by the adoption of a rule, is something that seems to me can not be defended, and I earnestly hope that my amendment may be adopted and this matter go over until it can have

consideration through the proper committee of the House having jurisdiction, namely, the Committee on Indian Affairs.

Mr. DOUGLAS. Mr. Chairman, I am quite well aware that I "might as well go stand upon the beach and bid the main flood bate its usual height" as to oppose this bill, since its passage is appealed for on the ground that it is intended as a blow at trusts and combinations. That will settle the question in a House which perhaps does not take a great deal of interest in the subject-matter. But I am going at least to say what I think about this amendment, simply as a piece of legislation, and that is that it distinctly should be characterized by the not very elegant but expressive phrase of being "half baked," for that is what I think of it exactly. I want to call the attention of the House to the language of this amendment, and to point out, somewhat along the lines taken by the gentleman from Pennsylvania [Mr. A. MITCHELL PALMER], why I think it undertakes to do that with which this House has no business whatever.

In the first place I want to say this for myself: That I have no personal interest in this matter aside from my desire to see legislation properly framed; that it would be difficult for me to accurately give the name of any bonding company in the United States; that there is not one in my district or State that I know of; that there is not a stockholder of one in my district or State that I know of; that I never spoke to any man on the subject except the distinguished gentleman who has this bill in charge, with whom I have talked about it once or twice, rather in protest against this sort of legislation. I want to call the attention of the committee to the language of this provision:

Until otherwise provided by law—

That is, for all time to come unless Congress decree otherwise—

no bond shall be accepted from any surety or bonding company for any officer or employee of the United States which shall cost in excess of the rate of premium charged for a like bond during the calendar year 1908.

Now, Mr. Chairman, I submit that in the first place, as has been pointed out by the gentleman from Pennsylvania [Mr. A. MITCHELL PALMER], this does not limit the price the Government shall pay for anything at all, but it simply provides that no bonds shall be accepted from any bonding or surety company for any officer of the Government which shall cost—whom? Shall cost whom? Why, shall cost the man who buys it, and nobody else in the world. Then how does it go on?—

Which shall cost in excess of the rate of premium charged for a like bond during the calendar year 1908.

How is that to be determined, I would like to know? The gentleman from Iowa [Mr. SMITH] was characterized by the gentleman from Pennsylvania [Mr. A. MITCHELL PALMER] as "eloquent and ferocious," which was amusing, but which, I think, was incorrect, because the ferocity of the dear gentleman from Iowa, I am sure, is only skin deep, and if you will scratch his ferocity I think the milk of human kindness will flow out rather than anything from the vials of wrath. However that may be, the gentleman from Iowa [Mr. SMITH], as he is in the habit of doing with great force, picks out certain paragraphs, lines, and pages from this hearing—every word of which I read with great interest last night—and characterizes them as he sees fit. But when all is said and done, he left out what seemed to me to be, so far as this measure is concerned, one of the most important facts which was developed in that hearing, and that is this: I call the attention of the committee to it on page 14 of the hearings, if anyone cares to look it up, and there he will ascertain that, by reason of competition last year, the premiums on these bonds furnished to government employees were reduced from the normal rate of $2 per hundred dollars down to 7½ cents per hundred dollars. The testimony of Mr. Bartlett is right here, and I submit it to anyone who will read it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DOUGLAS. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, before the gentleman proceeds, I think he inadvertently made an incorrect statement. He said that the rate was reduced from $2 a hundred dollars to 7½ cents a hundred dollars. I think it is from $2 a thousand dollars to 75 cents a thousand dollars.

Mr. DOUGLAS. Here is the language:

One company will take it for 20, another for 15, another for 12, another for 10, or even 7½ cents per hundred dollars.

Mr. FITZGERALD. But the gentleman said $2 a hundred instead of 20 cents a hundred.

Mr. DOUGLAS. Oh, I beg the gentleman's pardon. I read it "20 cents." So that anyone will see that by reason of competition last year every sort of rate was charged; yet here we have a provision which proposes now not to fix the rate, which might have some sense in it, not to say that no bonding company shall charge more than so much per hundred dollars or per thousand dollars, which might be reasonable, and advise the companies what they could charge, but that it shall not be "in excess of the rate of premium charged for a like bond during the calendar year 1908." When and what time in 1908, because all sorts of premiums were charged that year?

Mr. TAWNEY. Not on the same bond, however.

Mr. DOUGLAS. There is nothing about the same bond.

Mr. TAWNEY. Where the life of the bond was four years.

Mr. DOUGLAS. Not at all. It is a "like bond," not the same bond. The gentleman is facetious, but he is not accurate. It is not the same bond, but a like bond. What does that mean—the same rate for a like bond? I submit it will take a lot more of unauthorized hearings such as this was to determine what that kind of a provision means, and I therefore submit that that sort of legislation ought not to pass Congress.

In the second place, I heartily agree with the gentleman from Minnesota that it is not a part of the business of this House—whatever we may say with reference to the power of Congress to regulate corporations or to go to any extent in that direction—that it is no more the business of this House to say what an employee of the Government shall pay to a bonding company for his bond than it is to say what rent he shall pay for his house.

Mr. TAWNEY. When did the gentleman from Ohio hear the gentleman from Minnesota say that?

Mr. DOUGLAS. I refer to the eloquent new Member from Indiana. On this bill I have heard no such wisdom from the gentleman from Minnesota.

Mr. FITZGERALD. The gentleman means the gentleman from Pennsylvania [Mr. A. MITCHELL PALMER].

Mr. DOUGLAS. I mean the gentleman from Pennsylvania [Mr. A. MITCHELL PALMER]. I hope I may be forgiven—he is from the "great and pure State of Pennsylvania." [Laughter.]

Mr. MOORE of Pennsylvania. Another acknowledgment.

Mr. DOUGLAS. So I submit, although it is asserted that this measure is founded and based upon opposition to trusts and combinations and therefore has an assured prospect of passing the House, nevertheless I submit that the language of the amendment is illy considered, and that it introduces confusion into a matter where confusion is needless. We are not proposing here to actually fix the rate in any case, or to prepare a table of rates in given cases. It leaves out of consideration the very thing which Mr. Bartlett, Mr. Whelan, and other men contended for; that is, an opportunity to meet the representatives of the departments of the Government and come to a fair, amicable, businesslike, decent, well-considered conclusion as to what the rates ought to be.

Mr. TAWNEY. Will you permit me to ask you a question?

Mr. DOUGLAS. Surely.

Mr. TAWNEY. Are you in favor——

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. I ask that the gentleman may have his time extended a minute, so that he may answer this question.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. TAWNEY. Are you in favor of continuing the present rates, which are 300 per cent in excess of the rates charged a year ago, where the loss of ratio of payment by the companies is only 10.81 per cent of the premium rate?

Mr. DOUGLAS. Leave me part of the minute to answer. I can not answer that kind of a question unless you leave me part of the time. I am in favor of leaving the matter alone for the present.

Mr. TAWNEY. Then, you are in favor of permitting this extortion to continue?

Mr. DOUGLAS. Let me answer. The gentleman can not ask me a question and then answer it himself. I must be permitted to answer it in my own way. I am in favor of leaving this important matter alone until it can have proper consideration by a committee that has some right to deal with it. This whole matter is purely voluntary on the part of the Committee on Appropriations. It has no more business to deal with it as a committee of this House than has the Committee on Insular Affairs or the Committee on Mines and Mining.

Mr. FITZGERALD. Will the gentleman allow me to ask him a question?

The CHAIRMAN. The time of the gentleman has expired.

Mr. LONGWORTH. I ask that my colleague may have two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. DOUGLAS. Now I decline to yield until I further answer the gentleman from Minnesota.

Mr. FITZGERALD. But the request was so that you could yield.

Mr. DOUGLAS. I want to say this: I have no objection to a well-considered measure of this sort; but I do believe that these companies ought to be given that for which they appealed to these gentlemen who constituted themselves this committee, and that was an opportunity to meet the representatives of this Government and to come to some fair understanding as to what the rate ought to be, and not to pass a bill which does not say what the rate shall be, but simply leaves it for future legislation.

Mr. MANN. Will the gentleman permit me to ask him a question?

Mr. DOUGLAS. Certainly.

Mr. MANN. Does the gentleman think it would be any harm, pending a settlement of the controversy, to let the matter stay as it was until they can make a settlement?

Mr. DOUGLAS. I think that the best settlement of the controversy will be to let the whole matter alone until we can take it up and investigate it fairly to all concerned, and settle it by a bill carefully drawn and carefully considered.

Mr. STAFFORD. Because the provision of the pending amendment proposed by the gentleman from South Dakota seeks to eliminate what creates favoritism on the part of the government employees is the reason why I have risen in opposition to the amendment. The amendment that was carried into the Indian appropriation bill of 1909 was proposed without any discussion in the Senate, carried into the bill from the Senate committee, not considered in anywise in the Senate, nor given any consideration whatsoever in this House. Now, this question, so far as it relates to the Indian Service, is of far more pressing importance to the 90,000 or more employees connected with the Postal Service. I charge that it is a piece of favoritism to have the employees of the Indian Service singled out by this method of favoritism and not include the other employees in the government service whose claims are just as equally meritorious, and yet you have ignored them. This amendment has not been considered by any committee of this House whatever from which we can derive any knowledge other than the mere assertion of the gentleman from South Dakota.

But the mere fact that the Secretary of the Interior at some time, in a House document, submitted an amendment to the consideration of the committee, is no argument that it was given consideration, because in the hearings on this proposition we find that the same proposition was submitted for consideration in the report of the Secretary of the Treasury and the report of the Attorney-General for 1908.

Mr. TAWNEY. The argument was referred to the Committee on Indian Affairs in December, and it was rejected by the Committee on Indian Affairs.

Mr. STAFFORD. No claim can be made that any hardship is imposed upon the agents in the Indian Service who for one year only have had their bonds paid for under this provision, because before this law went into effect they were obliged to give bond indemnifying the Government in case of any loss; but there are a large number of postal employees who are entitled to the same consideration; and I say, in fairness to all government employees, that they should be entitled to the same treatment and that employees in the Indian Service should not be singled out. There is nothing in their service which differentiates them from those in the Postal Service and in other services.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. STAFFORD. I will.

Mr. BURKE of South Dakota. Is it not a fact that in the Indian Service the disbursing officers are charged with the responsibility for large trust funds that are in their hands that makes them entirely distinct and different from other disbursing officers in other branches of the government service?

Mr. STAFFORD. Mr. Chairman, every postmaster, every cashier of an accounting office, is chargeable with like trust funds in the payment of rural letter carriers, the payment of railway mail clerks, and the like, where they are obliged to give bond in very large amounts.

In those cases they are obliged to pay for these bonds themselves. In the postal service, under the regulations of the department, they must have at least one personal surety to insure the Government against any loss that may possibly be incurred upon the failure of a surety company.

Mr. BURKE of South Dakota. Will the gentleman permit another question?

Mr. STAFFORD. I have answered the gentleman's question and my time is limited. If I can get further time, I will be glad to yield. Now, a further consideration as to the clause in general. It would seem from the argument made by the gentleman from Ohio [Mr. DOUGLAS] that we are driving or compelling the surety companies to take this business at reduced rates. We are not doing anything of the kind. We are making it optional with them to take what to the committee who have considered this matter seem to be reasonable rates, or if they do no wish to take this business, they may decline to execute the bonds if they wish.

Mr. A. MITCHELL PALMER. Will the gentleman yield for a question?

Mr. STAFFORD. Yes.

Mr. A. MITCHELL PALMER. Is not that exactly the situation now, that there is no requirement that the employees of the Government shall give bond in the shape of surety-company bonds?

Mr. STAFFORD. So far as the Indian Service is concerned, the Government is absolutely obliged to receive the bonds of these surety companies and pay the premiums exacted by the surety companies, and the Government has no escape whatsoever except by this amendment.

Mr. A. MITCHELL PALMER. With the exception of the Indian Service, that does not apply.

Mr. MADDEN. Mr. Chairman, it does not seem to me to make any difference whether the individual pays the premium on the bond or whether the Government pays it. In the end, if the individual pays it, it seems to furnish a reason for an increase in his salary. If the Government pays it, that ends it. My judgment is that what ought to be done is to create an indemnity fund for the Government, out of which it shall pay any losses sustained through any employee of the Government. Let the Government take its own risks instead of letting some bankrupt insurance company take the risk. We rarely find a case where the Government recovers for any loss. We have a loss in the subtreasury in the city of Chicago amounting to $173,000. I do not know whether the bond is a surety-company bond or not, but whatever it is there has been no recovery upon it. I know of no other case where recovery has been obtained. If the Government should create an indemnity fund, it would be able to secure the insurance of its employees for one-tenth of what it now pays.

Mr. SHACKLEFORD. Has there been any attempt on the part of the Government to collect on the bonds for that Chicago subtreasury deficit?

Mr. MADDEN. I do not know.

Mr. MANN. There ought not to be.

Mr. SHACKELFORD. My understanding is it has been allowed to rest, until now it is barred by the statute of limitations.

Mr. MADDEN. I have no idea as to what the situation is, but whatever it may be with respect to that, there ought to be some provision temporary in its nature, as I understand this to be, pending the enactment of a law, under which the Government will assume its own insurance risks.

There is no great business enterprise in America or in the world which gives insurance risks to insurance companies. All great transportation companies by sea or land insure their own risks. They charge up so much annually to insurance, and they create that fund out of which losses may be paid, and whatever loss may be incurred during the year is charged against that fund. The experience is that by that means they are able to insure themselves against loss for not to exceed one-tenth of what is paid to insurance companies. An individual having only two or three employees could not afford to enter upon a self-insurance enterprise, but the Government of the United States is in a different position. It can capture any man anywhere who steals government funds. It has its agents all over the world. No man can escape the Government of the United States. If he does a wrong, he is sure to be captured and punished.

And therefore I say that instead of attempting to fix the price to be paid to private insurance companies the Government should make its own insurance fund and take its own risk, and then there would be no longer any reason for making the argument that because a man is obliged to pay a large premium to insure the Government against loss when he is obliged to handle vast funds belonging to the Government he ought to have his salary raised. It is only a few days since, in the case of a man in the Census Bureau who was called upon to pay a premium of three hundred and some odd dollars for the insurance policy, that he had his salary raised as the result of that.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. KEIFER. Mr. Chairman, I am opposed to the amendment which is to strike out the proviso to the amendment offered by the gentleman from Minnesota. I am not going to

go into any general discussion of the bond matter. I do not believe that there is any more reason for the Government paying the premium of bonds of agents or officers in the Indian Bureau or department than in any other bureaus or departments of the Government. I think that this amendment as a whole, including the proviso, is just, and turns us back to where we were before the adoption of the clause on the 30th day of April, 1908, when we first provided in all the history of the United States for paying a premium on the bonds of agents and officers in the Indian Bureau or any other bureau or department of the Government.

Now, I do not think the amendment, speaking of it as a whole, is a severe one. I think the bonding companies that made that hasty arrangement to increase the premium on bonds, if it was an arrangement or agreement to put up the premiums on bonds of officers of the Government, made a mistake, and I am also justified in saying that all these companies that entered into that arrangement—I believe 17 of them—agree that it was a mistake and inadvertently made. They became somewhat rattled when they got together with some unfavorable reports before them and made this agreement, if it was actually made. The bonding business of these companies is comparatively new. There is hardly one of them in existence that is ten years old. They entered into the business on a calculation that seemed very good, which they subsequently concluded was not right. The bonds issued for government disbursing officers run four years without renewal and they are then required to be renewed. I have been through the whole subject in taking the testimony, and otherwise. At the end of the four years, when a new bond is given, the old bond continues its liability.

There are cases where the companies have settled and paid certain liabilities on bonds which they could well afford to pay, and many years afterwards they have been compelled to pay the full face of the bond because it is discovered that the officer was a defaulter. So that the liability runs more than four years, or as long as it is possible to discover a fraud.

In the Indian Bureau there was an example where an officer was authorized to disburse funds to good Indians. Strangely enough he disbursed the money and had a settlement, and then the question was opened up whether he had not disbursed a large part of it to bad Indians, who ought not to have had any or a certain share of it, and it was held that the agent in his disbursing had done wrong, and they charged it back to the bonding company. The liability on the bonds seems to have no limitation, and this seemed to scare the bonding companies.

I am not excusing these companies, and I am in favor of this provision that should turn us back substantially where we were before the arrangement was made. I have represented, or, rather, my law firm has represented, one of the largest and best of all of these companies—the United States Fidelity and Guaranty Company, of Baltimore—for a number of years. I understand all the workings of these companies. They are honest, upright, first-class business men, but they felt that they were liable contingently for so much and the liability continued so long that they were likely to lose large sums of money, and some had recently lost large sums of money, and the arrangement resulted. I think it was a business mistake of the companies, and it was not prompted by any disposition to do anybody or the Government any wrong. A careful reading of the testimony hearings before us will show this. I think the amendment offered by the gentleman from Minnesota should go in the bill unamended and that it will work no injustice to the bonding companies.

Mr. MORSE. Mr. Chairman, I am in favor of the first part of the provision put in here by the committee. I am certainly in favor of the amendment offered by the gentleman from South Dakota [Mr. BURKE], because I know something about the conditions in the Indian department and among the Indian agents. There is a vast difference there between them and other officers of the Government. I am inclined to think that the Government should pay for the bonds of all of its officers. The Government fixes the salary, the men accept the position with the understanding that they are to receive that salary, and the bond may be higher or lower at various times, as it is with the Indian department. This was reported out of the Committee on Indian Affairs——

Mr. MANN. If the gentleman will pardon me, did the gentleman say that this amendment ever passed through the Committee on Indian Affairs?

Mr. MORSE. The amendment was put on, as the gentleman well knows, in the Senate.

Mr. TAWNEY. Is it not a fact that the letter of the Secretary of the Interior making this recommendation was referred to the Committee on Indian Affairs December 3, 1907, and that the Committee on Indian Affairs did not report its bill until January, 1908; and it is not reasonable to suppose that the House Committee on Indian Affairs rejected the proposition?

Mr. MANN. It never did report it.

Mr. MORSE. I do not know exactly how this matter came out of the House Committee on Indian Affairs. I do know that many Members were in favor of it, and I think you will find that every Member on the floor of the House to-day who was a Member of the Indian Affairs Committee is in favor of this amendment, for the reason that they understand the conditions in the Indian department.

Now, then, Mr. Chairman, let me take an Indian agent in northern Wisconsin as an example. He is required to receive the moneys due the various Indians, the wards of the Government, for the timber sold off their allotments. He becomes in a way the guardian of those Indians. Those sums of money come into his hands, and as a result he is required to give a large bond. I just telephoned over to the Commissioner of Indian Affairs and he tells me that the bond purchased by this Indian agent, Mr. Campbell, at Ashland, Wis., cost him $655 before this raise went into effect.

Mr. TAWNEY. So that it would now cost the Government $1,800.

Mr. MORSE. Yes; so that it would now cost the Government $1,800, and it would now cost the Indian agent $1,800, and his salary is just about that sum.

Mr. STAFFORD. Is it obligatory on the agent to give a surety company bond? Can he not give a personal bond, as postmasters do?

Mr. MORSE. It is a very difficult thing to give a personal bond for five or six hundred thousand dollars or a million dollars. Mr. Chairman, I am in favor of the proposition of the chairman of the committee. I am in favor of limiting that to the premium of 1908, if that is a fair amount to pay, but I am not in favor of taking from this agent $1,800 to pay for his bond, when his salary is only $1,800. Why, the ridiculousness of the situation ought to be apparent to every man on the floor of this House.

I believe when the Indian Affairs Committee reported this bill and when this House passed it, which permitted the Government to pay for the bond of the Indian agents, a wise measure was passed. I am therefore in favor of the proposition of the gentleman from South Dakota [Mr. BURKE].

It seems to me, Mr. Chairman, that this is a poor time and a poor place to change a law as important as that. I believe this matter should be referred to a committee. This law came out of the Indian Affairs Committee. I believe that the Committee on Indian Affairs should have this matter referred to it before the organic law of the land is changed, and that that committee should be permitted to give the matter consideration.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORSE. Allow me to give you the amounts of some of these bonds and the cost:

The agent at Kiowa gives a bond of $100,000, and the cost is $122.50; at Ashland gives a bond of $225,000, and the cost is $655; at Yankton gives a bond of $125,000, and the cost is $375; at Standing Rock gives a bond of $75,000, and the cost is $225; at Union Agency gives a bond of $125,000, and the cost is $355; and at Rosebud gives a bond of $130,000, and the cost is $520.

Mr. TAWNEY. Mr. Chairman, I trust that the amendment offered by the gentleman from South Dakota [Mr. BURKE] will not prevail. It would be a discrimination in favor of one branch of the public service as against all other officers and bonded employees in all other branches of the public service, and would inevitably lead to the Government paying the premium rate on all bonds required under the law to be given by officers and employees in all branches of the public service. There is no justification for the discrimination. The gentleman from Wisconsin [Mr. MORSE] says that the agent at Ashland gives a bond of $500,000. Why, the total appropriations carried in the Indian appropriation bill are only about $9,000,000. How they can require an agent who disburses only a small fractional part of the total appropriation to give a bond in $500,000 is impossible for me to understand.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. TAWNEY. Yes.

Mr. BURKE of South Dakota. The gentleman from Wisconsin gave a very good reason, and that is that the agent acts as a guardian for the Indian in the sale of timber and in the sale of lands, and by reason thereof large sums of money come into his hands all of the time, and these are trust funds.

Mr. TAWNEY. Mr. Chairman, how much money he receives I do not know, but whatever comes into his hands must necessarily be deposited in the Treasury or government depositories. It is not again disbursed by him.

Mr. MORSE. Will the gentleman permit a correction? That money is not deposited in the Treasury.

Mr. TAWNEY. To the credit of the Indian.

Mr. MORSE. No; nor to the credit of the Indian. That money is put out to the banks throughout the country to the credit of the Indian, and it does not go into the Treasury at all.

Mr. TAWNEY. Well, his liability ceases when the money passes out of his possession. That is the point that I want to make.

Mr. BURKE of South Dakota. Will the gentleman yield for a further question?

Mr. TAWNEY. Yes.

Mr. BURKE of South Dakota. It is very evident from the remarks of the gentleman from Minnesota [Mr. TAWNEY] that he does not know very much about this subject. I understand that he brought this bill into the House——

Mr. TAWNEY. Mr. Chairman, I decline to yield further. If the gentleman can address a question to me courteously, I will be very glad to yield to him and answer it, if I can. The gentleman from South Dakota speaks of the compensation paid to the Indian agents being $1,800. He does not mention to this House the fact that they are given a great many allowances in addition to their compensation. They are given their home, they are given their horses, the use of government horses, they are given their provisions at the government rate, which is the wholesale rate, and they have many other allowances that are valuable, and it is that, together with the salary, that makes the office of Indian agent so attractive heretofore and which enabled him to pay the premium rates charged by the bonding companies for his bond prior to January 1, 1909, or prior to the beginning of the fiscal year 1909.

I maintain, Mr. Chairman, that there is absolutely no justification for making a discrimination in favor of this particular branch of the service, as against all the rest of the public service. Let us take, for example, the Post-Office Department. The officers and employees under the Post-Office Department required to give bonds pay an annual premium of $200,000. In addition to that it is estimated that others who are required to give bonds, like mail contractors, bring the annual premium paid by all of the employees of the Government under the jurisdiction of the Post-Office Department at $1 a thousand up to a total of $320,000. What is the average annual loss? According to the report of the Postmaster-General, $32,000 has been the average annual loss. What does it cost to administer these bonding provisions in the Post-Office Department? Twenty thousand dollars. So that the officers and employees and contractors under the jurisdiction of the Post-Office Department are paying to the bonding companies at the rate in force prior to January 1, 1909, $320,000 annually to protect the Government of the United States against an average annual net loss of only $12,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. I ask unanimous consent to continue for ten minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TAWNEY. Yet, Mr. Chairman, gentlemen stand here representing the people of the United States and declare that the rate should be increased from $1 a thousand, as it has been, and should hereafter be maintained at $3 a thousand. Figure, if you please, how much the bonding companies would receive from the employees and mail contractors in the Post-Office Department at the rate of $3 a thousand, when the rate of $1 per thousand aggregates $320,000. The contention of these gentlemen means that these employees and mail contractors in the Postal Service would pay to the bonding companies annually $960,000 to insure the Government against a net loss of only $12,000.

Mr. DOUGLAS. What Member of the House made any such advocacy?

Mr. TAWNEY. Every Member who advocates the continuation of the present rates.

Mr. DOUGLAS. Does the gentleman contend that any Member who criticises the form of this bill is advocating the evils which it very lamely and poorly undertakes to correct? Is that the attitude of the gentleman? I hope not.

Mr. TAWNEY. I am not talking about gentlemen who criticise the form of the bill; I am talking about Members who have advocated continuing the present rate, as the gentleman from Ohio did, on the theory that the rates which have been charged prior to January, 1909, were so low that these companies could not do a profitable business.

Mr. DOUGLAS. Does the gentleman deny that is a fact? My only information is what they have in the hearings.

Mr. TAWNEY. The hearings show a great deal more on the other side of the case.

Now, Mr. Chairman, I want to say a word about the origin of this proposition. It did not originate, it is true, with any committee. It did not originate in any department of the Government. In the month of April my attention was called to the fact that we had passed a law increasing the bond required to be given by the disbursing officer of the Census Bureau from $25,000 to $100,000, and that the salary of the disbursing officer is $2,500 a year. Therefore, at the rate of premium charged by the bonding company now, he would have to pay for his bond $375, thereby sustaining a substantial reduction in his compensation. That lead to an inquiry into the extent to which this increase applied throughout the government service. I have given a great deal of time to the study of this proposition, and an investigation had been made on my own responsibility as a Member of this House before the hearings were held, and the facts disclosed prompted me to believe that it was my duty as a Member of the House to bring this matter to the attention of Congress at this session, in order to prevent an extortionate rate being collected from the officers of the Government of the United States, and also to prevent the Government of the United States paying these premium rates, as it would have to do unless some measure of this kind is adopted now.

Why, Mr. Chairman, what did the bonding companies do when they got their nose under the tent in the Indian appropriation bill, whereby the Government must pay these premiums? They jumped their premium rate to their maximum rate in every instance; and then, because that rate was so high the appropriation available to meet the payment of this service was not adequate to pay the premiums, the penalties under the bonds in many instances have had to be reduced, thereby taking away from the Government the protection which the law and regulations of the departments provided. So it would be if we applied this principle to all branches of the public service.

Now, Mr. Chairman, on investigation I find this: Take the departments here at the seat of government; except the Post-Office Department, there are 39,000 bonded officers. There are more than 200,000 bonded officers in the entire government service. The average rate for all the departments outside of the Post-Office Department here at the seat of government is now $2.70. Apply that rate to the bonds now required for a period of five years and the officers and employees of the Government will have paid to the bonding companies in premiums about a million dollars.

Now, take the losses sustained by the Government, which the bonding companies would have to meet during these five years. The only way you can ascertain that loss is by studying the experience of the Government in the past. For that purpose I have had a careful investigation made by all the auditors of the government service outside of the Post-Office Department. I find that in the last ten years the total loss paid, including losses incurred in previous years, was only $199,000. Divide that by 2 and the loss ratio to the premium rates would be only 10.81 per cent. When before the committee the representatives of these bonding companies all conceded that 33⅓ per cent was a fair loss ratio to the premium rate. Notwithstanding their admission that a reasonable loss ratio would be 33⅓ per cent, they are demanding a premium rate based on a loss ratio of 10.81 per cent. Therefore I say, Mr. Chairman, that there is absolutely no justification for this increase, which has been arbitrarily made, made simply because they saw their opportunity, with their experience under the Indian bill, to force the Government of the United States to pay the premiums on the bonds of officers and employees of the Government. These premiums would amount annually, in the aggregate, to between two and three million dollars, and constitute an annual charge against the Government of that amount.

They saw their opportunity and jumped their rates in all branches of the government service. Now, I maintain there is absolutely no justification for it. But let me call the attention of the committee to another fact that will deserve our serious consideration before long. I did not go into the subject, and I do not propose to go into it by legislation now, but it will have to be done sooner or later. Only a few days ago the Navy Department called my attention to the fact that a contractor whose bid had been accepted for the construction of a number of torpedo boats was obliged to withdraw his bid unless he could get his bond at a lower rate of premium than is now charged. He submitted his bid and included the premium on his bond at the rate in force prior to January 1, 1909; but before the bid was accepted the rate was increased about 300 per cent. Then, the Navy Department waived the condition which allowed only surety bonding companies to bond contractors and employees,

and accepted a bond from a trust company, solvent and perhaps as wealthy if not more so than any of the bonding companies—a trust company in the city of Pittsburg. The contractor obtained his bond at less than the rate previously charged by the bonding companies, and was enabled to make the contract. We are therefore paying the premium on all contract bonds to-day, because the contractor includes that premium when he submits his bid for the government work. I say therefore that this is a very important matter and should be thoroughly investigated by this Congress.

Mr. MOORE of Pennsylvania. Does the gentleman think it a wise provision on the part of the department referred to to accept a trust-company bond, thus placing at the risk of loss the funds placed in charge of that company, it not being engaged in the surety business?

Mr. TAWNEY. I am unable to answer the question, for the reason that I do not know. The capital and surplus of the company in question amount to something like $20,000,000, and it is a matter well known to the department that the company is one of the strongest financial institutions of the city of Pittsburg; but it only goes to show the necessity of taking up this whole question of government bonds and thoroughly investigating it; and I propose, before the close of this session of Congress, to offer a House resolution authorizing some committee of the House, by subcommittee or otherwise, to investigate thoroughly the whole bonding business of the Government of the United States.

In the Customs Service alone the penalties of our bonds amount to over $4,000,000,000. The aggregate penalties of all government bonds reach the enormous sum of between five and six billion dollars. These bonds are given to secure the Government of the United States against loss as the result of defalcation, fraud, or other kind of felony.

Mr. MOORE of Pennsylvania. In connection with my former question, I should like to ask the gentleman whether he thinks it proper that the Government should allow this enormous risk that he has just mentioned to be staked against the deposits of those engaged in the banking trust company and savings fund business of this country?

Mr. TAWNEY. I do not say that. I do think that risk should be placed where there is no liability whatever of the Government not recovering any loss that is sustained.

Mr. A. MITCHELL PALMER. Right at that point will the gentleman say what proportion of this $5,000,000,000 of bonds running to the Government of the United States is risked by surety companies?

Mr. TAWNEY. I do not know. That is one thing I should like to know, and that is one of the reasons why I should like to see—and I intend to propose—a thorough investigation of the whole matter.

Mr. A. MITCHELL PALMER. Will the gentleman permit me to tell him?

Mr. TAWNEY. If the gentleman can.

Mr. A. MITCHELL PALMER. The Secretary of the Treasury states that 75 per cent of the bonds that run to the Government of the United States are written by individual sureties, and the gentleman must be aware——

Mr. TAWNEY. Are they fidelity bonds that you are now speaking of?

Mr. A. MITCHELL PALMER. They are mixed bonds.

Mr. TAWNEY. But the largest part of the business of writing fidelity bonds is done by the fidelity surety companies?

Mr. A. MITCHELL PALMER. Oh, yes.

Mr. TAWNEY. About 95 per cent of the fidelity bonds are written by the fidelity surety companies. Now, I think, Mr. Chairman, that inasmuch as the rates which will be in force under this provision are the rates voluntarily established by the companies themselves prior to January 1, 1909, there will be no hardship imposed by the enactment of this provision and its enforcement; but we have provided against any possible contingency of injustice by saying that where the rate in force in 1908 is an unreasonably low rate, the Secretary of the Treasury, in his discretion, may increase that rate 50 per cent above the rate in force previous to January, 1909.

Inasmuch as to adopt the pending amendment to the amendment which I offered would be a distinct discrimination against all branches of the public service in favor of one, and that one of the smallest branches of the public service, I certainly think this amendment to the amendment should be defeated, and I hope that it will be.

I move, Mr. Chairman, that all debate on the pending amendment and amendments thereto be now closed.

Mr. BURKE of South Dakota. Before that motion is put I desire to submit a request for unanimous consent for one minute.

Mr. KINKEAD of New Jersey. I hope the gentleman will give me five minutes.

Mr. TAWNEY. This matter has now been debated for two hours and fifteen minutes; and the time has all been occupied, with the exception of that used by the gentleman from Wisconsin, the gentleman from Ohio [Mr. KEIFER], and myself, by those in opposition to the proposition.

Mr. KINKEAD of New Jersey. I hope the gentleman will give me two minutes.

Mr. TAWNEY. I move, then, that all debate close in three minutes, one minute to be allowed to the gentleman from South Dakota and two minutes to the gentleman from New Jersey.

The motion was agreed to.

Mr. BURKE of South Dakota. Mr. Chairman, I merely want a moment to say that if I said anything in propounding a question to my good friend from Minnesota, the distinguished gentleman in charge of this bill, that was offensive to him, I desire to withdraw it and humbly ask his pardon. What I intended to ask of the gentleman was this: He has brought in a bill here that appears was considered by certain Members of the House, and they had certain hearings, a copy of which I have in my hand, and I am unable to find in these hearings that there was any evidence or statement whatever relating to this part of the amendment which I propose to strike out, namely, the proviso. The gentleman says that sometime during the present session he proposes to offer a resolution that some committee of the House be delegated with authority to consider this whole question, and my position is that this proviso should be stricken out until that committee has been appointed and has had an opportunity to consider the whole question.

Mr. TAWNEY. I accept the apology of the gentleman from South Dakota.

Mr. KINKEAD of New Jersey. Mr. Chairman, I congratulate the gentleman from Pennsylvania [Mr. A. MITCHELL PALMER] on what I consider the best explanation and best defense of the Democratic attitude on the question of the rules now existing in this House. His speech was well prepared and well delivered. I heartily agree with every word of that portion of his talk condemning the absolute misuse of power by the Speaker of the House and the dishonest application of power made by the Committee on Rules. I regret, however, that I can not vote with him on the proposed amendment. For the first time since I have been a Member of this House I agree heartily with the gentleman from Minnesota [Mr. TAWNEY] in everything he has said. [Laughter and applause.] Do not laugh. I have always conceded that a Republican may sometimes be right, and I am enough of an American to stand with them on those rare occasions. The gentleman from Pennsylvania [Mr. A. MITCHELL PALMER], in discussing the amendment, calls this a proposed boycott by the Government on 17 of the greatest surety companies of the Nation. I would like to ask him what he would call the hold-up that they have attempted to work on this Government in raising their rates 300 per cent? [Applause.] He said he believed that the Government should obtain the best kind of protection. I agree with him; but when we find that 17 of the largest surety companies of the country do not hesitate to hold us at bay, then I say to him that the smaller companies, just as in the case of smaller banks, if they are conservatively and honestly managed, will give us the same protection as any of these great and rich corporations that would not hesitate to extract 300 per cent in addition to their regular and rightful charges. [Applause.] I favor a policy that will help these smaller conservative but honest surety companies, and hope by my vote here to-day to assist in making them substantial opponents of their "combined seventeen." Were this hold-up attempted by surety companies with whom I was dealing in private life, I would take all of my surety business away from them and place it with other companies showing a disposition to play square. I have always found it a good plan, and one beneficial to the Nation, to act for the Nation as you would act in similar circumstances for yourself. I favor the amendment. [Applause.]

Mr. TAWNEY. Mr. Chairman, I ask permission to insert in the RECORD extracts from the testimony of Mr. J. Kemp Bartlett and comments thereon.

The CHAIRMAN. Without objection, the request will be granted.

There was no objection.

EXTRACTS FROM TESTIMONY OF J. KEMP BARTLETT AND COMMENTS THEREON.

Mr. BARTLETT. * * * Now, a few words as to the history of the surety business. Very few of the companies engaged in this business are more than 10 years old. Not any of them has had a business of more than twenty-five years. The business is still in its infancy. One thing has been demonstrated more than anything else to the people

who have invested their capital in that business and who have obtained such experience as can be obtained from a practical study of the business, and that is that even ten years' time is too short a period upon which to establish reliable statistics for the purpose of showing what is the actual cost of carrying any particular class of risks. [Mr. Bartlett stated over the telephone that the case referred to is that of Morris L. Bridgeman.]

I will illustrate that by referring to an experience of my own company with a particular class of government-official bonds. Indian agents are required, as you know, by law to give bonds. For ten years we have been bonding Indian agents. Ten years ago the rates charged Indian agents were at least twice as high as they were during the year 1908, and what I say as to those bonds is true also of all government official and nonofficial bonds. The rates have been constantly decreasing for a period of two years, until they reached a low ebb in the fall of 1908. Our company received about $1,800 a year for ten years for bonding Indian agents, and during that ten years it paid out losses of less than $500. Naturally to a layman that would look like a profitable business. *The books showed that it was a profitable business* [Mr. Bartlett's company was notified on *March 20, 1903*, by the Secretary of the Interior that final settlement had been made in the accounts of Bridgeman and that his accounts were charged with $11,357.07, and that the Government would look to the bonding company for the payment of this amount], but within the last *thirty days* a claim was collected by the United States Government from our company [The superintendent of the claim department of Mr. Bartlett's company wrote the Auditor for the Interior on March 23, 1903, acknowledging "statement of differences," and says: "I have immediately transmitted this statement to the Union Bank and Trust Company, our representatives at Helena, who are investigating the matter, and *I trust that no final action will be taken by the Government, in so far as this company is concerned, until it can receive a report from its representative just referred to*] on an Indian agent's bond *written six years ago* [The bond referred to was written *May 14, 1900, nine years ago*]; *expired three years ago* [Bridgeman was *suspended April 30, 1902*, and *removed by the President June 17, 1902*. His bond was written to cover his term of service, and therefore might be said to have expired when he was removed.]; *charged off of our books as no longer in existence* [*Suit filed August 8, 1903. United States* v. *United States Fidelity and Guaranty Company.*]; *and yet the Government collected $14,000 on it.* [*Suit against bonding company was for $11,357.07. Bonding company resisted payment for six years, which caused the addition of $2,725.68 interest. Costs were also added, amounting to $31.45.*] So that, I say, you can not take even a period of ten years upon any class of government official bonds and argue from the experience you happen to have had with respect to that particular class of bonds that you know exactly the cost of carrying the risk. *If we had done that, we would have said last January that the cost of carrying the risk of Indian agents was pretty nearly nothing—less than 5 per cent of the premiums received.* [*Judgment in favor of the Government and against the bonding company May 28, 1906*, in the United States circuit court, at Helena, Mont., for $11,357.07 principal, $2,725.68 interest, and $31.45 costs.] * * * *It has not been more than sixty days since this very case which I have referred to was argued by me in the Supreme Court of the United States.* * * * *I will tell you, Mr. Chairman, because it is interesting, how that loss arose, if you would like to know. It was not because the Indian agent had embezzled $14,000.*

Far from it. [See 140 Federal Reporter, page 577, et seq. Bridgeman, the plaintiff in error, was convicted under an indictment charging him with the violation of the provisions of section 5438 of the Revised Statutes of the United States in presenting false, fictitious, and fraudulent vouchers, etc.]

The Interior Department sent to that man certain moneys to be disbursed to a tribe of Indians. The law says that Indians who have at any time within a certain period been in insurrection forfeit the sums that are paid to them by the United States, the guardians of the Indians. Things happened to be so hot in that particular agency that this particular Indian agent had not the courage to enforce that law. He distributed this money among all of the Indians, and he gave the bad Indians the same pro rata that he gave the good Indians, whereas he should have returned to Washington the money that he paid to the bad Indians; he should have withheld the money as a punishment from the bad Indians and rewarded the good ones by giving them their share.

It took the United States three or four years to surcharge his account with the sum that he had actually disbursed to the Indians who, under the strict letter of the law, were not entitled to receive it, because they had committed certain offenses which caused them to forfeit under the law the annual sum that they would otherwise have received from the Government. * * * [The indictment under which Bridgeman, the defendant, was convicted makes no reference to disbursing moneys to a tribe of Indians who had been in insurrection (see 140 Fed. Rep., p. 577 et seq.), nor does the record of this agent in the office of the Auditor for the Interior show that he made such payments.]

Indian-agent bonds are not the only bonds wherein, long after the officer retires, long after he dies, his accounts are surcharged because it is found that he has committed some error of judgment. My company has at the present time four claims pending against it by the United States Government, involving *over $50,000*, because of its *suretyship of paymasters in the navy, not one of whom embezzled a cent of money, but each one of whom paid out money in good faith contrary to what was afterwards determined by the Navy Department as being the legal channel through which the payments should be made.* [Bond under which Government claimed was dated May 14, 1900. The fraudulent vouchers for which Bridgeman was indicted and convicted were included in his accounts between July 1, 1900, and April, 1902. His account was settled on January 24, 1903. (See letter from E. B. Rogers, Paymaster-General United States Navy, as follows: "* * * Summing up, therefore, it may be said that there have been no defalcations in ten years which have caused any loss to the Government, and that the Deering case, above mentioned, is the only one where loss may ensue to the Government in case of a decision against it.") *It will be noted that the shortages referred to amount to but $17,700, and that they are all in the nature of embezzlements.* (See hearings, p. 98.)]

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota [Mr. BURKE].

The question was taken, and the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment to the amendment.

The Clerk read as follows:

After the word "State," line 12, page 13, add *"Provided, however,* That no bond required by law shall be accepted from any surety or bonding company which does a banking, trust, deposit, or state savings-fund business."

Mr. TAWNEY. I will reserve a point of order to that.

Mr. MANN. I will make the point of order, as it is not subject to discussion.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. MANN. It is not germane to the proposition under consideration.

The CHAIRMAN. The Chair sustains the point of order. The question is now on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was agreed to.

Mr. TAWNEY. Mr. Chairman, I wish to offer the following amendment.

The Clerk read as follows:

Add, after line 12, page 13, the following: "Census Office: In the selection made from eligible registers required to be established by section 7 of the act to provide for the Thirteenth and subsequent decennial censuses, approved July 2, 1909, the apportionment required by said section shall be made without reference to the number of persons already employed in the classified service who may be charged to the quota of each State and Territory or the District of Columbia."

Mr. MANN. To that I reserve a point of order.

Mr. TAWNEY. Mr. Chairman, I desire to say that this amendment is offered by me at the request of the Director of the Census, with the understanding that it has the approval of the Members of the House who were formerly members of the Census Committee. The reason for it is that the construction which I am informed was placed upon the provision passed by Congress at this session with regard to the apportionment is that the apportionment of the census employees is to be made or added to the apportionment of the permanent classified civil-service employees. In that case there would be no equitable distribution of the employees temporarily employed in the Census Bureau in the work incident to the taking of the next census. There are a great many States, I understand, that would be excluded entirely from securing any of these temporary appointments.

Mr. BARTLETT of Georgia. And is it not a fact that the Civil Service Commission themselves are doubtful as to the proper construction of the language?

Mr. TAWNEY. They are. The Civil Service Commission are in doubt as to the construction that should be placed on this provision of the new census law. I was informed that the doubt is likely to be resolved against the intent of Congress as I understood it to be.

Mr. LANGLEY. Mr. Chairman, I was just preparing to offer an amendment similar to that offered by the gentleman from Minnesota [Mr. TAWNEY]. The gentleman has correctly stated the difficulty that has arisen in the executive department in construing this act. The understanding—I think the universal understanding—at the time this amendment was offered by the gentleman from Illinois [Mr. STERLING], and at my suggestion slightly amended, was that these temporary appointments in the Census Office were to be apportioned among all the States and Territories according to population, and independent of the apportionment of the permanent classified service.

Mr. HULL of Iowa. Was not the amendment referred to, and sought to be obviated by this body, put on in the Senate largely——

Mr. LANGLEY. No; the gentleman is mistaken about that.

Mr. HULL of Iowa. One minute—by which they eliminated anyone being charged to a State unless they resided there a year before that time?

Mr. LANGLEY. That was a Senate amendment, but the amendment to which I am addressing myself was adopted in the House as an amendment to the bill as originally introduced by the gentleman from Indiana [Mr. CRUMPACKER]. Now, if this construction, which I understand the Civil Service Commission is inclined to put upon it, should be carried out, the effect would be to compel the Director of the Census to draw first from the eligible lists of these remote States that have not their quota in the classified service (and perhaps chiefly for the reason that they are so remote). A great many will not come these distances even for permanent appointments, and presumably more would decline temporary appointments. That would involve a great deal of difficulty and correspondence, and, in my judgment—and I speak from experience as an officer having charge of that branch of the work in the Twelfth Census—it would be practically impossible for the director to follow this plan and do the work within the time required by law. This

amendment does not propose to change existing law. It is merely a declaration by Congress of what it meant in enacting the provision referred to.

Mr. COX of Indiana. Mr. Chairman, I believe the former President of the United States vetoed the census bill upon the ground that it was contrary to the provisions of the civil-service law, did he not?

Mr. LANGLEY. He did.

Mr. COX of Indiana. And Congress refused to undertake to pass the bill over his veto.

Mr. LANGLEY. Yes.

Mr. COX of Indiana. And the last bill that was framed was framed so as to meet the requirements and exigencies of the civil-service law.

Mr. LANGLEY. I assented to the gentleman's proposition that Congress refused to pass the bill over the President's veto. I mean that it failed to act at all upon the message.

Mr. COX of Indiana. The amendment that is now offered, if it is carried into effect, will in a large measure destroy the force and effect of the civil-service law, will it not?

Mr. LANGLEY. Not at all. The gentleman misunderstands.

Mr. COX of Indiana. Would it not contravene it?

Mr. LANGLEY. No. The proposition is merely that these temporary appointments shall be pro rated among all of the States and Territories in accordance with the population of each, and independent of the apportionment of the permanent appointments in the regular classified service.

Mr. COX of Indiana. Will not that be in effect the meaning of the amendment, if it is carried into the law?

Mr. LANGLEY. Not at all. I really do not think it is proper, anyway, to undertake to balance up with these temporary places the unequal conditions existing as a result of some States and Territories not having their full quotas.

Mr. COX of Indiana. What effect will the amendment have on the provision of the census law which requires one year's residence in a State?

Mr. LANGLEY. None whatever. It does not have any effect on any part of the law. It merely declares that it was the intent of Congress that this should be an apportionment independent of the permanent classified service. Besides, I think, Mr. Chairman, that inasmuch as all of the people of the country are equally interested in this great work, they all ought to have a share in the compilation of the statistics as well as in the gathering of them.

Mr. HUMPHREYS of Mississippi. How many of these temporary employees are there?

Mr. TAWNEY. Three thousand.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LANGLEY. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LANGLEY. I will state in answer to the gentleman from Mississippi that there will be in the neighborhood of 3,000 of these temporary employees.

Mr. HUMPHREYS of Mississippi. Why are they called "temporary appointments?" How long will they serve?

Mr. SIMS. They are three-year people.

Mr. LANGLEY. No; the most of them will serve about one year, and in a great many instances less than six months.

Mr. HUMPHREYS of Mississippi. How many for three years?

Mr. LANGLEY. Comparatively a small number I should say. In fact, none of them will serve the full three years, because the decennial period of three years, to which their employment is limited, has already begun, and none of them have been appointed yet.

Mr. MANN. Will the gentleman yield for a question?

Mr. LANGLEY. Certainly.

Mr. MANN. Does the gentleman think it would be possible to obtain any large number of clerks here for six months' employment, paying their own expenses to and from California?

Mr. LANGLEY. I do not think so; but if that construction is placed upon the law, it would compel the director to go first to California and other remote sections and at least endeavor to get the clerks there, and that would delay and embarrass the census work.

Mr. MANN. The gentleman's argument is based on that fact, is it not?

Mr. LANGLEY. That is one of them.

Mr. MANN. The fact not being correct, then the gentleman's argument falls to the ground.

Mr. LANGLEY. I do not think it does. The gentleman seems to misapprehend my point.

Mr. MANN. If the gentleman's statement of fact was correct, it would be impossible to employ a clerk in any department in the city of Washington to-day.

Mr. LANGLEY. The point I was seeking to make was that the Director of the Census, if that construction prevailed, would first have to determine whether he could get these clerks from California. That would involve a large amount of labor and time to be expended in correspondence and would cost——

Mr. MANN. Well, he has more time than anything else at the present time at his disposal.

Mr. LANGLEY. On the contrary, I beg to suggest that he has just entered upon the duties of the office, and is now on the threshold of one of the largest pieces of work, with the exception of the building of the Isthmian Canal, that the Government undertakes within a given period of time, and he has not a moment to spare if he does the work successfully.

Mr. MANN. I quite agree with the gentleman, and I think he is a very competent man and will be quite able to get all of the clerks that he wants.

Mr. LANGLEY. Undoubtedly he is competent. He is a most accomplished statistician and has made good in the places he has previously held, and if given half a chance, will furnish us at least as good a census as we have ever had; and he ought not to be hampered in his work at this late hour by any such construction——

Mr. MANN. By any such construction? By the plain language of an act, reported recently out of the gentleman's committee, passed by both Houses, as plain as daylight is plain; and now the gentleman, before the ink is dry, wants to change it.

Mr. LANGLEY. No; not from the Census Committee, for we have none. If the gentleman from Illinois will permit me, let me say that the language is not plain. The department is of the opinion that the construction that this amendment proposes to put upon it is the proper one; but the president of the Civil Service Commission says he is in doubt as to which is the proper construction, so I am informed, and I know it was the purpose of the House——

Mr. SIMS. O Mr. Chairman, I want to call the gentleman's attention to one thing, that this was a Senate amendment, and I moved in this body to concur in the Senate amendment No. 15, and it was discussed here for two hours and a half, and an amendment was offered by the gentleman from Virginia to concur with an amendment to exempt these temporary appointments, and the House acted with absolutely perfect understanding of what it was doing, and this amendment now, if I understand it, means to nullify what the House has already done, and a temporary appointment will mean for the decennial period, which is three years, and not three months.

Mr. LANGLEY. The gentleman from Tennessee is under a wrong impression. I am not talking about the amendment he has in mind—the question of domicile. I agree with his view on that as applied to the regular service.

Mr. TAWNEY. I want to ask you if it is not the fact that it is in reference to the permanent force?

Mr. SIMS. It was, in effect.

Mr. TAWNEY. Was it not the intention of Congress when we enacted the apportionment for the census that it should be independent of the permanent classified service?

Mr. LANGLEY. Undoubtedly.

Mr. SIMS. I could not answer that one way or the other, for I was looking to its effect on this.

Mr. TAWNEY. Now, under the civil-service proposition we have no right to apportion independent of the regular apportionment, and therefore propose this apportionment in order to make clear what was the intent of Congress.

Mr. LANGLEY. That is correct.

Mr. TAWNEY. The gentleman from Tennessee is after an entirely different amendment.

Mr. LANGLEY. Yes; that was what I was trying to point out to the gentleman from Tennessee. Before the point of order is ruled upon, Mr. Chairman, I desire to insert in the RECORD, with the permission of the House, a memorandum from the Director of the Census, explaining why he thinks this provision is necessary, in order to remove any doubt as to the intent of Congress in adopting section 7. The memorandum is as follows:

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF THE CENSUS,
Washington, July 15, 1909.

The following is the provision of section 7 of the Thirteenth Census act with regard to apportionment:

"Copies of the eligible registers so established, and the examination papers of all eligibles, shall be furnished the Director of the Census by the Civil Service Commission, and selections therefrom shall be made by the Director of the Census, in conformity with the law of apportionment as now provided for the classified service in the order of rating."

It is not clear from this language whether the additional employees of the census are to be treated as part of the general apportioned service of the Government, or whether they are to be apportioned separately on the basis of the general rules applied throughout the service. If the former is the case, the great majority of the census employees would have to come from Western and Southern States, which have not their full quota in the present apportioned service, and comparatively few would be taken from the Eastern States, which have more than their quota in the present service. It was apparently the intention of Congress, however, that the apportionment of the census employees should be separate from the general apportionment, so that each State would have a share of the additional temporary census force corresponding substantially to its population. The Civil Service Commission consider the language insufficient to make clear which method is intended.

It is exceedingly desirable from the standpoint of the Census Office that the apportionment of the temporary force should be independent of the general apportionment of the Government employees. The average time of employment of the additional clerks in the Census Office will be about one year, and hundreds of them will be employed not to exceed six months. Many of those who pass the examinations from Western and Southern States will doubtless hesitate about accepting such a temporary position, and extensive correspondence would often be necessary in order to fill a position. Moreover, when an employee had once come to the census from a distant State, he would be likely to consider it a hardship if he were dropped from the rolls within a few months or a year, and would bring great pressure to bear to secure his retention for more than the average period of census employment. Any method which would tend to increase the number of employees coming from distant States abnormally, by using the census force to balance up inequalities in the present apportionment, would evidently increase these difficulties.

To take an abnormally large proportion from any one group of States would also render it necessary to appoint many people whose ratings in the examinations were relatively low, preferring them over people who had passed with higher ratings from a State to which only a small number of appointments could be allotted.

E. D. DURAND.

Mr. MANN. Mr. Chairman, there has been a point of order reserved against this amendment. When the Census Bureau bill passed the House I happened to be in the chair in the Committee of the Whole. Not having expressed any opinion upon the census bill up to this time, I just want to say a word. I think the House was very foolish when adopting the provision for the census bill in reference to the appointments, yielding to the position assumed by the President in his veto message; but having adopted that provision, for the purpose of removing the appointment of clerks from the power of Members of Congress, on the theory that it is necessary to have no political benefit or help in getting the appointment, and to have only clerks that are best qualified for the service; having adopted that theory for placing the census on all fours with all the rest of the service of the Government, there is no more reason for the employment of a man in the Census Bureau from Illinois than there is for appointing a man in the War Department or the Navy Department or any other department; and if this is a bar from employment in the War Department under existing law, then it ought to be a bar from employment in the Census Office so long as that rule prevails. I do not believe in making distinctions. If these appointments are not made in any sense upon the recommendations of those who know best who should be the temporary appointees from their district—the Member from the district—and should hold it to be necessary for them to be taken from competitive examination in line with the rest of the service, let the gentlemen take the sauce for the goose as well as the gander. I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. LANGLEY. I desire to offer another amendment at this point.

The Clerk read as follows:

After page 13, line 12, insert:

"In addition to the special agents and other employees now provided by law, the Secretary of Commerce and Labor, on the recommendation of the Director of the Census, may appoint not to exceed 20 expert special agents during the decennial census period and no longer. Such expert special agents shall be experienced, practical statisticians and shall be subjected to such test examination as the Secretary of Commerce and Labor may prescribe. They shall receive compensation at rates to be fixed by the Secretary: *Provided*, That the same shall in no case exceed $10 per day and actual and necessary traveling expenses and an allowance in lieu of subsistence not to exceed $4 per day during necessary absence from their usual place of residence, and no appointment of expert special agents shall be made for clerical work."

Mr. MACON. Mr. Chairman——

Mr. BOWERS. I make the point of order.

Mr. LANGLEY. I hope the gentleman will reserve the point of order, as I want to explain briefly the purpose and necessity of the amendment.

Mr. COX of Indiana. I reserve the point of order against the amendment.

Mr. BOWERS. I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. LANGLEY. Mr. Chairman, I ask unanimous consent, as part of my remarks, to insert in the RECORD a memorandum from the Director of the Census explaining why this amendment is necessary; and I also ask the privilege of revising and extending my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The memorandum is as follows:

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF THE CENSUS,
Washington, July 15, 1909.

The Census Office has always found difficulty in securing a sufficient amount of expert service in planning its work and analyzing and writing up the results. The census work really consists of several substantially distinct branches, in each of which there is a large amount of scientific and expert work required. The manufactures census, for example, is in itself an enormous undertaking and covers a wide variety of industries. The correct interpretation of the statistics of a given industry requires special study and familiarity with the industry. It can not be expected that the chief statistician of manufactures or the two or three chiefs of division under him can familiarize themselves with all the special conditions in such a wide variety of industries. Moreover the chiefs of division are necessarily occupied almost wholly in administrative work. The only manner, therefore, in which such expert service can be obtained, whether of men of extensive experience in connection with a given industry or of men who are trained statisticians and economists, is by appointing them as special agents. The present compensation permitted for special agents of $6 per day is not sufficient to get men of the highest ability and experience. It is understood that these expert special agents at not to exceed $10 per day would be employed wholly on scientific and technical work and not at all on clerical work. Most of them will not be continuously employed throughout the census period, but will be called in at the outset to help frame the plans for the work, and toward the close to help in analyzing and interpreting the results and preparing the reports. It is intended to secure either university men, trained as economists and statisticians, or men of business training and experience familiar with the conditions in particular industries.

E. D. DURAND.

Mr. LANGLEY. I will state, with the permission that has been granted, as I intended to do if the point of order had not been insisted upon, the reasons why this amendment is necessary. In the first place, let me say that this is not a proposition to create new offices, but merely to increase from six to ten dollars a day the compensation of not exceeding 20 of those for whose appointment the law already provides.

There are, as the director explains, a number of special subjects, particularly in the census of manufactures, which involve exceedingly difficult technical questions requiring the highest order of statistical ability—men who understand the technique of this class of work. The census of manufactures fills two large volumes, and there is a great deal of text to be written construing the figures that have been collected and compiled. It is often necessary, in preparing this text, to discuss the subject in hand from a broad, scientific, and statistical standpoint, and this necessitates oftentimes a general knowledge of the subject not possessed by the average employee of the Government. Not only that, but the same class of ability is needed by the director in preparing the schedules so as to elicit the character of information required in this connection. These subjects are so diverse and comprehensive in character that it is utterly impossible for the chief statisticians and their assistants, in view of their adminstrative duties, to properly handle them. This expert assistance is therefore absolutely essential.

We experienced great difficulty in the Twelfth Census in getting competent men to do this work at a compensation of $6 a day. Men who were properly equipped for it could not be obtained at that price, because they commanded a higher salary outside of the government service, and we often had to resort to the expedient, which was of doubtful legality, of giving them an allowance, in lieu of subsistence, of $3 a day while employed here in Washington. If this amendment is adopted, these men will not be continuously employed during the decennial census period. Their services will be needed only for a short period in the preparatory work, and then toward the end of the decennial census period they will again be needed in preparing the tables and the text in connection with them after the data has been collected.

I desire to add that I regret exceedingly that the present temper of the House—or rather of certain Members of it—is such that we can not get considered, without a point of order being made, these two amendments to the law which are so essential to the success of the great work which the director and his associates are called upon to do.

The Clerk read as follows:

LIGHT-HOUSE ESTABLISHMENT.

The appropriation for "Lighting of rivers" made for the fiscal year 1910 shall be available for supplying and maintaining post lights on the Delaware River between Philadelphia, Pa., and Trenton, N. J., the establishment of said lights having been authorized by law.

Mr. SMALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Page 13, after line 19, add the following:

"Coast and Geodetic Survey: To carry into effect the provisions of the act of Congress approved March 4, 1909, entitled 'An act to authorize the Secretary of Commerce and Labor to cooperate with the Bureau of the Coast and Geodetic Survey and the Bureau of Fisheries with the fish commissioner of the State of North Carolina in making survey of the waters of North Carolina where fishing is prohibited by law, $3,000.'"

Mr. SMALL. Mr. Chairman, the need of this amendment will be admitted and will not meet the opposition of the gentlemen who framed this bill. It is authorized by existing law, an act passed last session of Congress, and therefore it is unnecessary to say anything in justification of the appropriation. The only question is whether the appropriation is sufficiently urgent to authorize it to be covered in this deficiency bill and whether the amount is reasonable. I can make an explanation, if gentlemen desire it, which will show the immediate urgency of this appropriation. The waters of North Carolina furnish a large supply of fish, particularly shad. There are more shad caught in those waters than in any other waters along the Atlantic coast. The catch of shad in those waters has been materially falling off in recent years, and an investigation has been made by the United States Bureau of Fisheries, which resulted in that bureau making certain recommendations of laws to be passed by the State of North Carolina.

Those laws were passed, and they made certain material alterations in the existing law of that State, by which fishing was prohibited in certain areas, particularly in the large fresh-water sound, known as "Albemarle Sound." It is absolutely impossible to enforce this law until the area where fishing is prohibited is marked. This marking can only be done by the United States Coast and Geodetic Survey. If this appropriation is not made at this time, it will result in the work being delayed at least twelve months.

Mr. MANN. Will the gentleman yield for a question?

Mr. SMALL. Certainly.

Mr. MANN. Is not this an entirely new departure for the Coast and Geodetic Survey?

Mr. SMALL. It is a function which has been recognized by the Government. Some work has been done in Chesapeake Bay and in other sections of the country.

Mr. TAWNEY. No; only in the State of Maryland.

Mr. MANN. Not in any inland waters. Is there any more reason why the Government should put the Coast and Geodetic Survey to surveying the rivers and other waters of North Carolina than there is the Calumet River, in Illinois?

Mr. SMALL. That question has already been passed upon by the act in existence.

Mr. MANN. Oh, no; not at all. If it was, the gentleman would not ask for the amendment. If the gentleman is satisfied with the law as it now is, I am satisfied.

Mr. SMALL. The gentleman knows that in this act, which came from the Committee on the Merchant Marine and Fisheries, they had no jurisdiction to propose an appropriation, and that it becomes necessary at a subsequent time for Congress to make an appropriation to carry out the purpose of its own act.

Mr. MANN. I remember very well when the act was passed, and it was distinctly understood that the expense of this was to be borne by the State of North Carolina and not by the General Government. It is only another illustration of the fact that the moment the elephant gets its trunk in the door, it wants to put its whole huge bulk in. The moment the gentleman gets authority from Congress, he wants to loot the Public Treasury.

Mr. SMALL. I am sure the gentleman from Illinois would not be guilty of unfairness. At the time the original act was passed it was well understood and stated in the colloquy with the gentleman from Illinois that a subsequent appropriation would be required, and the only question discussed at that time was as to the amount of the subsequent appropriation. I am sure the gentleman, after refreshing his recollection, will admit the truth of my statement. It was known at the time that we would come, at a later date, seeking an appropriation.

Mr. Chairman, this appropriation ought to be made at this time on account of the peculiar urgency which I have stated to the committee. The preservation and the propagation of fish is a function of the Government. It is for this purpose that the Bureau of Fisheries was organized, and the Coast and Geodetic Survey is the only expert bureau of the Government which can possibly make this survey. I hope the amendment will pass.

Mr. FITZGERALD. I am opposed to the amendment. While the work indicated should be carried out, it is questionable whether it should be at the expense of the Federal Government. What I desire to do, however, is to discuss the statement made by the gentleman from Illinois as to the propensity of the elephant, once it gets its trunk inside the door of the Public Treasury, to shove its whole carcass in and "bust up" the shack. We are all familiar with the story of the Arab and his camel that got its nose into the tent one night, and in the morning it was found that the camel was in the tent and the Arab was outside; but until this time no one in authority has ever disclosed the great secret that has now been openly exposed to the country, that the elephant, always emblematic of the hoggishness and greed of the Republican party, once it can get its tiny trunk inside the door, wants to put its entire carcass into the Treasury of the United States. This propensity of this beast may account for the fact that during the past six or seven years a great deficit has been made in the Treasury, and the necessity now arises of resorting to the issuance of over $300,000,000 of bonds, ostensibly for the purpose of building the Panama Canal, but really for the purpose of floating the Republican party through the next congressional election. It is somewhat surprising that a gentleman who even takes breakfast nowadays at the White House should let this—I was going to say, cat out of the bag, if it were not for the fact that he is speaking of the elephant getting into the Treasury. I hope that those of us who have some desire to protect the public funds in the Treasury of the United States will recollect this statement of the gentleman from Illinois, not only as to the propensity of the elephant, but as to its ability and capacity. [Applause and laughter on the Democratic side.] And at this time I may say, as there may be no other opportunity to comment upon the fact, that so desperate is the condition of the party now in power that it proposes not only to issue over $300,000,000 of bonds, ostensibly for the purpose of building the Panama Canal, but, in order to satiate the greed of the great financiers who have been attempting to keep afloat on the financial waters the great and bulky elephant supposed to be emblematic of so-called "Republican prosperity," to increase the rate of interest on these bonds almost as much as the bonding trust discussed earlier in the day has desired to increase the rates to be charged to the government employees for bonds.

The rate of interest is to be increased from 2 per cent to 3 per cent. It is charged that these bonds will not be bought—that is, that the great financial interests are going to hold up the Government and refuse to accept those bonds unless the rate of interest be raised. Yet it is not so many years since it was demonstrated that the people of the country at a time like this, when money is so plentiful, when the banks have reserves of 40, 50, or 60 per cent lying idle, when it is difficult to invest money safely and advantageously, that the everyday people of the country who have the money, if given an opportunity, would oversubscribe such an issue of bonds bearing interest at 2 per cent more than two hundredfold. [Applause.] We should put shackles upon this elephant. I should be glad to cut off not only the trunk, but the tail and the feet. I should be glad to cut off the head, if it were possible, and I should be glad to have this administration know that it can not smuggle into a tariff bill a provision to issue over $300,000,000 bonds and increase the rate on the government securities, at a time when our credit is better than that of any other nation in the world, from 2 to 3 per cent without the people of the country understanding that it is the same old performance of the elephant, who, having got its trunk inside the door, has shoved its carcass into the Treasury and forced out for the same favored beneficiaries the money that is now there. [Applause on the Democratic side.]

Mr. MANN. Mr. Chairman, the speech of the gentleman from New York, like all Democratic speeches for economy coming from that side of the House, is in favor of the proposition to loot the Treasury, because that is the proposition pending before the House. It might be, Mr. Chairman, that if the Republican elephant wants to secure entrance to a certain building it would proceed with trunk first, but if our Democratic donkey was endeavoring to get there, with its usual capacity of thought, it would proceed with its head pointed in the other direction. [Laughter on the Republican side.] The gentleman from New York suggests that it might be well to cut off the trunk and tail and the feet and the head of the elephant. If that were done, it would still be more capacitated for the public administration of affairs than our emblem on the other side without any deficit in his body. [Laughter.]

Mr. TAWNEY. Mr. Chairman, I want to say a word in opposition to the amendment. It is true, as the gentleman from North Carolina [Mr. SMALL] has stated, that at the last session of Congress a law was passed authorizing a triangulation and geodetic survey of certain waters in the State of North Carolina in the interest of the fishing industry of that State. No appropriation was made. What consideration was given to the law before its passage I do not know. I was not on the floor of the House at the time. If I had been I should have

opposed and endeavored to prevent the passage of the act. We have had one experience, and that was with the State of Maryland. The State of Maryland came here a few years ago and secured the enactment of a law, a little innocent proposition, whereby that State practically surrendered sovereignty over her oyster beds for the purpose of having them surveyed at the expense of the Federal Treasury.

Now, the State of North Carolina has secured the enactment of a similar provision of law for the same purpose, but there is no appropriation, and the law can not be executed. Whether Congress should or should not make the appropriation is a matter I submit that ought to go over to the next session of Congress, when it can be thoroughly investigated and inquired into. I doubt very much if a geodetic survey could psosibly be made now if the appropriation was made at this session of Congress. So the work will have to be delayed until next year, and North Carolina will not suffer one iota if she does not get this appropriation from the Federal Treasury for the purpose of doing that which she herself ought to do and pay for and is abundantly able to do and to pay for. The whole subject can be taken up at the next session of Congress, and for that reason I was obliged to decline when the gentleman from North Carolina asked me to incorporate the provision in this bill. I was not inclined to do it, because I thought it could wait until the regular session, when the committee having jurisdiction could consider and determine whether the appropriation ought to be made.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The question was taken; and on a division (demanded by Mr. SMALL), there were 22 ayes and 57 noes.

The Clerk, proceeding with the reading of the bill, read as follows:

IMMIGRATION SERVICE.

Ellis Island Immigrant Station, New York, N. Y.: For the complete medical, surgical, and other equipment and usual hospital findings for the contagious-disease hospital, $20,000.

Mr. BARTHOLDT. Mr. Chairman, I move to strike out the last word. I would like to ask a question, not with reference to this paragraph, but as to the Immigration Service generally. I want to ask the chairman of the Committee on Immigration, if he is present, whether there is any law in justification of a ruling recently made by the immigration commissioner at the port of New York to the effect that each immigrant must have $25 in cash before he or she can be admitted to the country?

Mr. BENNET of New York. Mr. Chairman, I notice that the chairman of the Committee on Immigration is not present, but I think I can give the gentleman the exact information. I rather anticipated possibly that this question would come up on account of the publicity which has been given it, and therefore I have secured a copy of the document that Commissioner Williams issued. It is as follows:

No. 23949] DEPARTMENT OF COMMERCE AND LABOR,
IMMIGRATION SERVICE,
OFFICE OF THE COMMISSIONER,
New York, N. Y., June 28, 1909.

NOTICE CONCERNING INDIGENT IMMIGRANTS.

Certain steamship companies are bringing to this port many immigrants whose funds are manifestly inadequate for their proper support until such time as they are likely to obtain profitable employment. Such action is improper and must cease. In the absence of a statutory provision, no hard and fast rule can be laid down as to the amount of money an immigrant must bring with him, but in most cases it will be unsafe for immigrants to arrive with less than $25, besides railroad ticket to destination, while, in many instances, they should have more. They must, in addition, of course, satisfy the authorities that they will not become charges either on public or private charity.

Only in instances deemed by the Government to be of exceptional merit will gifts to destitute immigrants after arrival be considered in determining whether or not they are qualified to land; for, except where such gifts are to those legally entitled to support (as to wives, minor children, etc.), the recipients stand here as objects of private charity, and our statutes do not contemplate that such aliens shall enter the country.

WILLIAM WILLIAMS,
Commissioner.

Mr. Chairman, I regret——

Mr. BARTHOLDT. Mr. Chairman, I believe I have the floor. The gentleman from New York can say what he wishes when he gets the floor in his own time. Judging from the letter just read, there is no authority of law for the regulation made by the immigration commissioner at New York, to which I have called attention, and for one I wish to enter a protest against that regulation. For many many years during the discussions on this floor on the question of immigration, efforts have been made by some to establish a money test for the admission of immigrants, but the House of Representatives and the Congress has not yet seen fit to stand before the world as advocating such a test of character and worth. I for one protest against it. If such a test had been in force years ago some of our best citizens would have been unable to land in the United States, and it is questionable whether even the pilgrim fathers would have been admitted under such a ruling. There are other things to be taken into consideration when we judge of the worth and valor and character of an immigrant than money.

Think of applying such a test to a poor servant girl coming from Ireland, Germany, or the Scandinavian countries. Twenty-five dollars to her, and in the country whence she comes, represents a small fortune, and she is the very person we need in this country, because of the great lack of female servants. As a result of this regulation, arbitrarily made by that commission and against the law, thousands of persons have been deported within the last few weeks—634 on a single day. Do we realize what it means to deport a man back to the country whence he came? Do we realize that that means the branding of that man for life, because when he returns to his home country the people will say, "Well, there must be some reason why you have been sent back."

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTHOLDT. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARTHOLDT. His home people will say "You must have committed some sort of a crime, otherwise the great and liberal country of the United States would not have sent you back." Therefore, that man will be ruined for life. He is not admitted here, and he will be despised at home. He will be unable in the future to make his living. Perhaps for the purpose of raising the necessary money to come here he has disposed of all his worldly goods. The expense of making the trip to the United States is not a small one. He has perhaps instead of $25 only $15 or $20 left, but, according to this arbitrary rule, he is ordered to be returned, to be deported to the country whence he came.

Mr. MANN. Will the gentleman yield for a question?

Mr. BARTHOLDT. Yes.

Mr. MANN. Does not the law forbid the coming in of paupers?

Mr. BARTHOLDT. Yes.

Mr. MANN. Does not the gentleman think that it is well to have a pauper defined by some regulation which may become known abroad, rather than to have it left to the sweet arbitrary will of the official here?

Mr. BARTHOLDT. Mr. Chairman, if it is to be left to the commissioner of immigration at New York to define what a pauper is, well and good; but I thought it was a matter to be decided by the Congress of the United States.

Mr. MANN. To define what a pauper is?

Mr. BARTHOLDT. Yes.

Mr. MANN. Why, the Congress provides that a pauper can not come in. It does not define what a pauper is.

Mr. BARTHOLDT. It ought to be defined.

Mr. MANN. I know, but it is the duty of the administrative officers to follow the law which we have put upon the statute books.

Mr. BARTHOLDT. And I appeal to the gentleman's own reason as to whether he would adjudge a man a pauper who comes here with two strong arms, a healthy mind, and a willingness to identify himself with our institutions, a willingness to work and to better his condition—whether that man is a pauper, even if he has not $5 in his pocket.

Mr. MANN. I should say that a man who comes here or to any large city with no means except his two arms, to which the gentleman has referred, comes about as near being in the pauper class as it is possible to place anyone, and that it is better to have a regulation which is universally known of all people rather than to have some subordinate official from New York or elsewhere determine that this man is a pauper and that this is not, both having the same means.

Mr. BARTHOLDT. That is drawing the line very narrowly, Mr. Chairman. I would never classify as a pauper a man who is healthy and willing to work, because we must always remember that when a man, say, of 20 or 21 years of age comes to this country from Europe, the country whence he came has paid the expense of raising him and of educating him, and just at a time when he may become useful to his own country he emigrates to the United States. From my point of view that man represents a commercial value, and if he is sane and sound and willing to identify himself with us, I would certainly not classify him as a pauper, even if he did not have a nickel in his pocket.

Mr. MANN. I think the gentleman's view and my view have always run about the same on the immigration question, but what the gentleman is discussing now is what the law ought to be, and I am calling his attention to what the law is. We

made the law and the official in New York did not make the law. We make the law and he must construe it.

Mr. BARTHOLDT. The only purpose for which I rose, Mr. Chairman, was to protest against the definition which the commissioner of immigration in New York is placing upon the word "pauper."

Mr. FITZGERALD. That is a matter to be regulated by the department, is it not?

Mr. BARTHOLDT. It is at the present time left to the discretion of the department.

Mr. FITZGERALD. Then, why does not the gentleman protest to the department, if it is doing something unfair and unjust; why does he not protest to the department controlled by his party, rather than to voice useless protests here? If his party has been trying to unjustly exclude immigrants, why does he not appeal to the department?

Mr. BARTHOLDT. Oh, I hope the gentleman will not insinuate that I am voicing useless protests upon the floor of this House.

Mr. FITZGERALD. My experience has been that it is about as hopeless as any protest can be.

Mr. BARTHOLDT. I hope the gentleman will regard a protest on this floor as something more emphatic than a mere letter addressed to any executive department would be.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BENNET of New York. Mr. Chairman, I usually vote on this question the same way that the gentleman from Missouri [Mr. BARTHOLDT] and the gentleman from Illinois [Mr. MANN]——

Mr. BOWERS. Mr. Chairman, I raise the point of order that this debate is out of order.

The CHAIRMAN. The pending question is on a motion to strike out the last word.

Mr. BOWERS. I make the point of order that the gentleman is not addressing himself to the amendment.

The CHAIRMAN. The Chair sustains that point of order, and will ask the gentleman to confine himself to the amendment.

Mr. BENNET of New York. I move to strike out the word "equipment," in line 22.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. BENNET of New York. Now, Mr. Chairman, of what use is equipment to Ellis Island if the law is not enforced properly? And by "properly" I mean, of course, not only strictly, but with good sense. I have had read to the House a statement issued by Commissioner Williams——

Mr. BOWERS. Mr. Chairman, I renew my point of order that the gentleman is not addressing himself to the amendment.

The CHAIRMAN. The gentleman will confine himself to a discussion of the amendment. The Chair can not presume to anticipate that the gentleman's remarks are not to be directed to his amendment.

Mr. BENNET of New York. Among other things the mental and political equipment of the commissioner. I regret that he issued this particular statement. I agree with the gentleman that there ought to be——

Mr. BOWERS. I renew my point of order, that the gentleman is not addressing himself to the "Usual hospital findings for the Contagious Disease Hospital."

The CHAIRMAN. The Chair sustains the point of order.

Mr. BARTHOLDT. Mr. Chairman, I ask unanimous consent that the gentleman from New York may proceed for five minutes.

Mr. BOWERS. Regular order, Mr. Chairman.

The CHAIRMAN. Objection is made to the request of the gentleman from Missouri.

Mr. BENNET of New York. Mr. Chairman, this is the first time I have seen that done in this House.

Mr. UNDERWOOD. The Manufacturers' Record——

Mr. BENNET of New York. I make the point of order that the gentleman is not addressing himself to the paragraph.

Mr. MANN. I make the point of order; the same rule should be applied on both sides.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

Mr. KÜSTERMANN. Mr. Chairman, I wish to strike out the word "surgery" in connection with the admission of immigrants, that they shall be compelled to have $25 when they come into this country. I wish to say that I could not have come into this country under that regulation, for I only had $23. [Laughter and applause.]

The Clerk read as follows:

Legislative.

Mr. OLMSTED. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by inserting after the word "legislative," in line 18, the following, viz:

"To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and the House borne on the annual and session rolls on the 1st day of July, 1909, including the Capitol police, the official reporters of the Senate and House, and W. A. Smith, CONGRESSIONAL RECORD clerk, for extra services during the extra session of the Sixty-first Congress a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available."

Mr. OLMSTED. Mr. Chairman, this is the usual——

Mr. MACON. Mr. Chairman, I reserve the point of order.

Mr. OLMSTED. Mr. Chairman, I hope the gentleman will not take up the time by making the point of order. This is the usual amendment that has been inserted in some appropriation bill at every session for the last fifty years, I think. Certainly it is justifiable, if ever, at this extra session, when our faithful employees have been called upon to render five or six months of extra work.

Mr. MANN. Will the gentleman permit me to ask him a question?

Mr. OLMSTED. Certainly.

Mr. MANN. Is the gentleman able to say whether this addition to the salaries was made in the extra session twelve years ago?

Mr. OLMSTED. I think it was.

Mr. MANN. I think the gentleman better look up the RECORD, if he is not satisfied.

Mr. OLMSTED. I am able to say it was made twelve years ago.

Mr. MANN. Well, I think the gentleman is mistaken.

Mr. OLMSTED. I think not.

Mr. MANN. Unless the gentleman has looked it up, I wish to say I think he is mistaken.

Mr. OLMSTED. I have not, personally, but I have understood that there were two extra allowances made in that year.

Mr. COX of Indiana. How many employees will this affect?

Mr. OLMSTED. It affects the employees of the House and Senate.

Mr. COX of Indiana. Can the gentleman give the total number?

Mr. OLMSTED. I do not know the number.

Mr. COX of Indiana. Can the gentleman give the amount of money that would be required to pay the employees under this amendment?

Mr. OLMSTED. It will just add one month's pay to their compensation.

Mr. COX of Indiana. But, in dollars, you are not able to give it?

Mr. OLMSTED. I am not.

Mr. HARDWICK. I did not hear the gentleman's amendment read, and do not understand it thoroughly; but I will ask him: Does it include compensation to clerks of Members?

Mr. OLMSTED. It does not.

Mr. HARDWICK. They are as much entitled to it as the others.

Mr. OLMSTED. Perhaps so. Their salaries were increased 25 per cent a year or so ago.

Mr. FOSTER of Illinois. Is it not a fact that some of the employees have not been here during this session?

Mr. OLMSTED. I do not know of any such. There may be at every session some are not here part of the time, but I know that I see them here daily faithfully performing their duties.

Mr. FOSTER of Illinois. Does this include any who died during this session?

Mr. OLMSTED. I think not.

Mr. SCOTT. Will the gentleman permit me to ask him a question? Am I not right in my recollection that a motion similar to this was passed before the expiration of the last session?

Mr. OLMSTED. I believe there was such a motion passed.

Mr. SCOTT. So that if your amendment prevails it will mean that the employees of the House this year shall receive two months' extra compensation?

Mr. OLMSTED. Well, the one adopted in the last Congress, of course, covered parts of two years. Mr. Chairman, I hope the gentleman from Arkansas will not feel called upon to make this point of order. I think this is a very deserving and worthy amendment. It may be said that these gentlemen accepted their employment with the expectation and understanding that

this would be allowed, as it has been allowed for every year for many years.

Mr. MANN. Will the gentleman yield for a further question?

Mr. OLMSTED. Certainly.

Mr. MANN. Is not the origin of this proposition a desire in this way to provide compensation for these employees coming and going to and from the capital, in lieu of traveling expenses?

Mr. OLMSTED. It helps to cover that, of course. They get no traveling expenses. They come here at their own expense and go home at their own expense.

Mr. MANN. Then that reason does not apply at this time.

Mr. OLMSTED. Oh, well; it may or may not.

Mr. MANN. A man may go home or may not, but there was no occasion, as far as the Government is concerned, for a man going home between the 4th of March and the 17th.

Mr. OLMSTED. Their expenses have been increased a great deal by having to stay here instead of going home. I will say to the gentleman from Arkansas [Mr. MACON], Mr. Chairman, that the habit of putting in this amendment at the end of each session originated way back in the good old Democratic days, and I can show him a ruling by Speaker Carlisle that it was in order.

Mr. BOEHNE. I should like to have the amendment read again to see what it includes.

Mr. OLMSTED. I have no objection, if the committee desires it.

The CHAIRMAN. If there be no objection, the Clerk will again report the amendment.

The amendment was again read.

Mr. SISSON. Mr. Chairman, I should like to ask the gentleman from Pennsylvania this question: Did not all the officers and employees of the House and Senate in March get an extra month?

Mr. OLMSTED. They got an extra month at the last session of the last Congress.

Mr. SISSON. And this will make two extra months during the current fiscal year.

Mr. OLMSTED. The last session covered part of two years. This is a different Congress.

Mr. SISSON. Yes; that is true.

Mr. RUCKER of Missouri. This will be renewed at the next session.

Mr. SISSON. Does the gentleman from Pennsylvania believe it is proper and right by indirection to pay the mileage of officers and employees of the two Houses?

Mr. OLMSTED. I think it is as just and right to-day as it was fifty years ago and has been every year since. I think they accepted these positions with that understanding. I think it is perfectly just and right that the man who runs an elevator out here for $75 a month should get this allowance.

Mr. SISSON. Does he not get a hundred dollars a month?

Mr. OLMSTED. He does not get as much as that.

Mr. SISSON. It strikes me this is purely a business proposition, and when these gentlemen apply for these positions they know what the salary is.

Mr. OLMSTED. And they know that they will get an extra month each session.

Mr. SISSON. If this custom prevailed continuously, they would do so.

Mr. OLMSTED. It has prevailed continuously.

Mr. MANN. How about mileage for this session?

Mr. OLMSTED. I desire to say to the gentleman that some of these employees who are here to-day are not the same ones who received their pay in the last Congress.

Mr. SISSON. That may be true. But I understand that in the next session there will be another proposition to pay them another extra month's salary.

Mr. OLMSTED. If the salaries remain the same and they perform the same labor, I have no doubt that will be so.

Mr. SISSON. Would it not be better and more courageous for the House to increase the salaries directly rather than by indirection?

Mr. OLMSTED. Perhaps so, and if the gentleman will offer a proposition to that effect, I shall be very glad to consider it.

Mr. SISSON. On the contrary, I would not only vote to reduce some salaries, but I should like to cut off about one-third of the useless employees they have about the Capitol here.

Mr. OLMSTED. If there are any that are useless, I would vote with him for that; but those who are here, who have performed their labors night and day, who when the House adjourns for three days at a time have been here every day, I think are entitled to the usual allowance.

Mr. SISSON. It seems to me that the spirit that is behind this proposition is absolutely wrong. In the first place, if men accept these positions at a salary fixed by law, they certainly ought to be willing to abide by that salary.

Mr. OLMSTED. For the spirit of the thing, I will have to refer the gentleman to the spirit of the Democratic fathers who inaugurated the practice when they were in control here.

Mr. SISSON. Do you know that that is a very good guide for the Republicans to follow? My only regret is that you are only following the evils of the Democratic party and not the good. [Laughter and applause on the Democratic side.] If it is true that the Democrats in the olden days were guilty of this extravagance, it is no reason why you should follow in that pathway, and I know of no better time to correct that evil than now. If a man does not reform his life at some moment, it will never be reformed. If this evil has been here for one hundred years, the sooner we get rid of it the better; and if you will follow the great Democratic precedents in the past in greater matters, in tariff legislation and financial legislation, as you have been following it in the little matters, the country will be a thousand times better off. [Applause on the Democratic side.]

Mr. MACON. Mr. Chairman, I want to ask the gentleman from Pennsylvania if he has any idea how much this amendment of his, if adopted, will cost the Government?

Mr. OLMSTED. I am unable to inform the gentleman in dollars and cents, but it adds one month's pay for each employee.

Mr. MACON. Has the gentleman any idea about the number of employees?

Mr. OLMSTED. A few hundred dollars.

Mr. MACON. The gentleman's reply is not satisfactory as to the amount. I believe I have information on the side that is much more satisfactory than that he furnishes. I think there are more than several hundred employees, and if they are to be given a month's extra pay it strikes me that the amount will run way up into the thousands of dollars. Mr. Chairman, I have never voted for an increase of compensation for myself since I have been in this House, either directly or indirectly.

Mr. OLMSTED. Neither have I.

Mr. MACON. And for that reason I believe I am consistent when I object to this kind of an attempt to increase the salaries of others. I have not heretofore objected to the extra month's compensation for the employees that have been here through the regular sessions of Congress, but these employees were given an extra month's pay last February, and now in only a few months after that they are knocking at the door of the Treasury and insisting that they must be given another extra month's pay.

Mr. Chairman, these good people knew very well what to expect when they enthusiastically sought and gladly accepted their positions, and they knew what their salaries were to be. They did not have to accept their positions any more than we have to accept our positions as Representatives in this House. We can all get rid of our positions any time we want to by resigning them, because the expenses connected with them are too great for the compensation we are receiving, and we can go to our homes and do just as we did before we were appointed or elected. Sir, next winter when Congress is in session again, it will be expected that it will again give these employees an extra month's pay for their services, but as to whether they receive it or not will largely depend upon how they accept this turn down. If this matter keeps on there is no telling to what extremes it will go. Originally these employees were tickled nearly to death to get one month's extra pay per year, but now they want two months' pay, and if they get it it will not be long before they will want three. If they do not want their positions for the compensation that they are now receiving, they have the privilege of resigning any moment they see fit. There are millions of men and women in this country that will rejoice to accept their places by wire, and they will obligate themselves not to ask for even one month's extra pay per annum. I know that many of the disappointed will frown upon me for this day's work, but I will be compensated therefor by the knowledge of the fact that conscience has been my guide, and that is worth more to me than all of the applause of all the extra-pay takers of all the world.

Mr. OLMSTED. I wish to be heard, Mr. Chairman, on the point of order.

The CHAIRMAN. The Chair will hear the gentleman on any precedents that have occurred since Hinds' Precedents were closed.

Mr. OLMSTED. Mr. Chairman, this question is not new. This precise question has been considered session after session for a great many Congresses. I will not stop to go back and look up the record back of the Forty-eighth Congress. On page 5502 of the RECORD for the first session of that Congress, I find

that the House itself seems to have been considering an appropriation bill. The same amendment was offered and the same point of order was made against it, and Speaker John G. Carlisle, of Kentucky, made this ruling:

The SPEAKER. The Chair finds upon an examination of the records that on two occasions heretofore an amendment similar to this—the Chair thinks in precisely the same language—has been offered and a point of order made against it; and in both instances the Committee of the Whole on the state of the Union, by a very large vote, held the provision to be in order.

Mr. HOLMAN. Yes, sir; but does that action of the Committee of the Whole establish a rule for the control of the House? It must be apparent, Mr. Speaker, there is no law authorizing this item.

The SPEAKER. Of course the Chair is not absolutely bound by any decision of the Committee of the Whole on the state of the Union, although such a decision is certainly entitled to very great respect when the question has been discussed and decided by that committee, consisting as it does of the same members that compose the House itself. In order to preserve uniformity in the rulings upon this question, the Chair thinks he ought to admit the amendment and allow the House to vote upon it.

Now, Mr. Chairman, that was in the Forty-eighth Congress. I find that in the Fifty-fourth Congress the point of order was made to this same proposition, and in the discussion of it reference was made to a good many instances in which the point of order had been overruled either by the Chairman or by the Committee of the Whole House on the state of the Union itself, but in that case, Mr. PAYNE, of New York, being in the chair, the point of order was sustained. That was, as I say, in the Fifty-fourth Congress. In the Fifty-fifth Congress the matter again came up, Mr. PAYNE, of New York, being again in the chair, and in the discussion of the point reference was made to a decision by Judge Payson, of Illinois, when acting as Chairman of the Committee of the Whole House on the state of the Union in the Fifty-first Congress. That decision of Judge Payson I desire to read to the Chair. It is as follows:

This is not a new question in the House of Representatives, nor is it new to the present occupant of the chair. When the general deficiency bill was under consideration at the last session of this Congress, the present occupant of the chair had the honor to preside as Chairman of the Committee of the Whole House on the state of the Union. The same question was then presented in the shape of an amendment; and at that time the Chair took occasion to examine the entire line of precedents and the history of legislation with reference to this matter, as well as the rulings which had been made upon it up to that time, and sees no reason now for changing the opinion then formed in regard to it.

The decisions have been practically unanimous for a great many years past, and especially since the present occupant of the chair has been in public life, beginning with the ruling of Mr. Kasson, of Iowa, and others succeeding him, including the gentleman from Kentucky [Mr. Carlisle], the Speaker of the last House, and so on down to the present time, with but a single exception this amendment has been held to be in order, either by the direct ruling of the Chair or by an overwhelming majority in the committee when the question has been submitted for its decision.

Following the precedents—without expressing an opinion as to what judgment the present occupant of the chair might entertain if this were an original proposition—but following the precedents and the rulings heretofore made, the Chair holds the amendment to be in order.

That was in the Fifty-first Congress, following the precedents then made. That was brought to the attention of the Chairman of the Committee of the Whole House on the state of the Union in the Fifty-fifth Congress, but he sustained the point of order. An appeal was taken, and his decision was overruled by a vote of 67 to 44. That seems to be the state of the law upon the subject, Mr. Chairman. In a great many instances the Chairmen have referred the matter to the committee itself, and I suggest that if the present distinguished occupant of the chair has any doubt on this subject he might well follow that line of practice and submit it to the committee; or that if he follows the majority of the precedents, he will have to overrule the point of order.

Mr. MACON. I would like to ask the gentleman a question.

The CHAIRMAN. The Chair is prepared to rule.

Mr. MACON. I would like to ask the gentleman from Pennsylvania a question. I want to ask him if he knows of any existing law other than the provision carried in an appropriation bill authorizing this appropriation?

Mr. OLMSTED. It has been done from year to year from a time whereof the memory of man runneth not to the contrary. It may be said to have become a part of the law of the land by prescription. By immemorial custom it is a part of the salary of these officials. They accept their positions with that understanding. It would be unfair, almost dishonest, to them to deprive them of it in this way.

The CHAIRMAN. The Chair is prepared to rule. There is no question about the decisions having been rendered that were cited by the distinguished gentleman from Pennsylvania [Mr. OLMSTED], and the last instance cited by him was in the Fifty-fifth Congress, where a decision of the Chair sustaining the point of order was overruled by the committee. But the Chair is, of course, bound by the last precedent upon the question. In the Fifty-sixth Congress, on May 14, 1900, an amendment providing an extra month's pay for employees was ruled out of order on the general deficiency bill by Mr. Chairman Hopkins, and on an appeal the decision was sustained—ayes 58, noes 24.

Mr. OLMSTED. But that constituted less than a quorum, Mr. Chairman.

The CHAIRMAN. It was submitted to, however, by the committee and became as binding and effective, I need not say, as though there had been an attendance by the entire membership of the House. There is no question in the mind of the Chair and no contention is made that the proposed appropriation is wholly without warrant of law. The Chair is, therefore, compelled to sustain the point of order.

Mr. SMITH of Michigan. Mr. Chairman, I ask unanimous consent that I may be permitted to discuss for five minutes, uninterrupted, the subject of the telepost.

Mr. UNDERWOOD. Mr. Chairman, a few minutes ago I rose on this side of the House to ask unanimous consent to print in the RECORD an editorial. That was objected to. I now ask that both of the requests be submitted together.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to speak for five minutes, uninterrupted, upon the subject of the telepost, and the gentleman from Alabama asks unanimous consent to print an editorial in the RECORD. Is there objection?

Mr. TAWNEY. What is the request of the gentleman from Alabama?

Mr. UNDERWOOD. To print in the RECORD an editorial on the tariff question.

Mr. BENNET of New York. Mr. Chairman, reserving the right to object to the request of the gentleman from Alabama, I desire to say that the mere fact that the gentleman from Mississippi [Mr. BOWERS] pursued an unusual course in regard to myself does not justify me——

Mr. BARTLETT of Georgia. Mr. Chairman, I demand the regular order.

Mr. BENNET of New York (continuing). Does not justify me in objecting to the request of the gentleman from Alabama, and I shall not object.

Mr. BARTLETT of Georgia. I make the point of order that a request for unanimous consent is not debatable.

Mr. TAWNEY. But the debate is over.

The CHAIRMAN. The request for unanimous consent has been stated, the request of the gentleman from Michigan to speak for five minutes, uninterrupted, on the subject of the telepost, and the request of the gentleman from Alabama to print in the RECORD an editorial. Is there objection? [After a pause.] The Chair hears none.

The editorial referred to is as follows:

STRIKING IN THE TARIFF AT SOUTHERN PROSPERITY.

[From the Daily Bulletin of the Manufacturers' Record, July 16, 1909.]

If reports from Washington can be trusted, it looks as though the power of the administration is being used to force a reduction of the tariff on the things which the South produces and which are erroneously called "raw materials" for the express benefit of the manufacturers of other sections. If this be true, then once more is the South to be sacrificed that others may prosper, unless southern representatives in the House and Senate, recognizing the situation, if necessary, throw aside political affiliations and stand united for an equal protection to southern interests as the tariff will give to the interests of other sections. It is worse than folly for southern Congressmen to pose as friends of the South and yet permit this section to be everlastingly used, as it has been for many years, for the benefit of other sections whose Representatives appreciate the importance of the development of their business interests and unceasingly work to accomplish the best results. If we are to have any tariff, why should it discriminate against the lumber and the iron ore and the coal and other products of the South which are used by other sections? There is no such thing as raw material after labor has touched it. The iron ore and the coal and the lumber are just as much the product of labor as is the steel rail or the watch spring. There is no more reason why protection should be granted to the manufacturer of textile machinery, steel rails, or any other product of factory work than there is that protection should be granted to the producer of ore and coal and lumber and hides and other materials of this character. If these things are to be put on the free list, then every product into the manufacture of which they enter should be put on the free list. Why should one industry be sacrificed for the benefit of another? Why should one section forever be made to pay the bill of furnishing its own materials without tariff protection to other sections who are wise enough through their congressional Representatives to procure protection for their interests? If it be the aim of the administration—and this we can not believe—to strike a hard blow at southern prosperity, it can not do so more successfully than by forcing a reduction of the tariff on the things which the South produces, while leaving a protective tariff on the things which other sections produce, and of which the South must be a buyer. The time has come for the Representatives of the South in Congress and the people of the South and the people of other sections who have investments in the South to enter a protest so strong and vigorous and fight so determinedly that regardless of party ties this section shall be saved from being sacrified for the benefit of others.

Pledges to the people of a downward revision of the tariff may be kept by reducing the duties upon the products of the interests that are attempting to compel the abolition of duties upon iron ore, coal, and lumber which they desire to use in their industries, giving them their material cheaper, to the injury of American producers of such material,

without reducing the prices of the finished articles for American buyers.

Downward revision must not be permitted to be worked for the purpose of paying campaign debts to certain great interests.

Mr. SMITH of Michigan. Mr. Chairman, I am quite sure I am not reflecting upon the intelligence of any Member when I state that the telepost is a new and rapid means of telegraphy.

By the use of the telepost they can now send a thousand words in a single minute over a single line. This company is now extending its lines throughout the country, and at this time is in 18 congressional districts in the Union. In addition to the address and signature, the company is sending telegrams of 25 words for 25 cents, and delivering the same by messenger, instead of 10 words for 25 cents or more, as is done by the other companies.

They also have another means of communication that I think will appeal not only to the Members of the House but to the country. I hold in my hand what is known as a "telecard." By the use of the telecard, in addition to the address and signature, you can send 10 words for 10 cents, and at its destination the telepost company will place a cent stamp on the telecard and deliver it by messenger to the post-office, and from there it will be delivered by carrier.

They also have what they call a "telepost," which is in the nature of a telecard, but instead of sending 10 words for 10 cents, they send, in addition to the address and signature, 50 words for 25 cents; in other words, a telegraph letter. For illustration, if any Member were to arrive in Washington from his home to-day, and desired to send a message that he did not care whether or not it was delivered, perhaps, within three or four hours, he could step into the telepost office in this city when it is established, as I hope one may be in the near future, and send 50 words for 25 cents to his home city or village or wherever he might reside. That would be written in the form of a letter at its destination, a 2-cent stamp would be placed upon it, and a messenger would take it to the post-office and it would be delivered by carrier, either in the city or upon a rural route.

I also desire to call the attention of the committee to a fourth method that the telepost uses, and that is what is known as a "teletape." I hold in my right hand a teletape that is used for the sending of messages by this rapid system. I hold in my left hand a teletape that is used in the receiving of these messages, and by these messages you can send 100 words for 25 cents.

It is true at this time, Mr. Chairman, that this company has not extended its lines over all the country, but they are making rapid progress. They are not asking any of the respective communities for money, but they do ask the friendly aid and assistance of people everywhere that they may be admitted to the cities and villages and there establish the telepost with uniform rates, irrespective of distances.

I would like, Mr. Chairman, if my time has expired, the privilege of extending my remarks in the RECORD.

Mr. STAFFORD. May I ask the gentleman what is the purpose of extending his remarks in the RECORD, and if it is to advertise a private concern?

Mr. SMITH of Michigan. No, sir. I want to say to the gentleman that I think he is aware of the fact that for several years I have been an advocate of the reduction of telegraph rates in this country, and I further believe that the telegraph ought to be used in connection with the postal service.

Mr. STAFFORD. I am aware of that fact.

Mr. SHERLEY. Will the gentleman answer this question?

Mr. SMITH of Michigan. Certainly.

Mr. SHERLEY. Is this the same company that sent out a prospectus to people—I received one myself—asking them to subscribe to the shares?

Mr. SMITH of Michigan. I suppose so; but I desire to say that I am in no way interested in the capital stock.

Mr. SHERLEY. I was not implying that the gentleman was.

Mr. MANN. There is a company that owns this system, is there not?

Mr. SMITH of Michigan. Certainly.

Mr. MANN. It has stock for sale?

Mr. SMITH of Michigan. Undoubtedly its stock is for sale.

Mr. MANN. This is not a very good place for advertising. They could send this speech through the mails after it is delivered in Congress.

Mr. STAFFORD. I will have to object.

Mr. MANN. I question very much the propriety of it.

Mr. SMITH of Michigan. All right.

The CHAIRMAN. Objection is made.

The Clerk read as follows:

For the following employees for the month of July, 1909: Forty-six pages, including 2 riding pages, 4 telephone pages, press-gallery page, and 10 pages for duty at the entrances to the Hall of the House, at $2.50 per day each; 14 messengers in the post-office, at $100 per month each; and for 3 telephone operators, at $75 per month each; in all, $5,290.

Mr. TAWNEY. Mr. Chairman, I desire to offer an amendment to correct the language of that paragraph.

The CHAIRMAN. The gentleman from Minnesota offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 15, line 14, strike out the word "two" and insert the word "one."

Mr. MACON. Before that amendment is offered, I desire to reserve a point of order.

The CHAIRMAN. The amendment has been offered. The question is on the amendment.

Mr. TAWNEY. These employees are authorized by law.

The amendment was agreed to.

The Clerk read as follows:

For folding speeches, to continue available during the fiscal year 1910, $1,000.

Mr. TAWNEY. Mr. Chairman, I have another amendment that I want to offer to the paragraph just read.

The Clerk read as follows:

On page 15, line 17, strike out "one" and insert "two."

The amendment was agreed to.

The Clerk read as follows:

To reimburse the official reporters of debates and the stenographers to committees for moneys actually expended for clerical assistance, and for extra clerical services on account of the first session of the Sixty-first Congress, $500 each, and to John J. Cameron $240; in all, $5,240.

Mr. MANN. Mr. Chairman, I desire to reserve a point of order against that paragraph. I should like to ask the gentleman from Minnesota what occasion there has been for the committee stenographers to pay out money for extra clerical assistance at this session of Congress?

Mr. TAWNEY. They have, as I am informed, carried their copyists and amanuenses along during the session.

Mr. MANN. I am not referring to the official reporters of the House, who have had work to do.

Mr. TAWNEY. I understand, but I am referring to the committee stenographers.

Mr. MANN. What occasion have they had to carry them along?

Mr. TAWNEY. I do not know.

Mr. MANN. The committees are not appointed. No committee has been having a hearing and they have had no work to do.

Mr. TAWNEY. The Committee on Ways and Means has had a number of hearings, and there have been other hearings taken by these employees of the House.

Mr. HULL of Iowa. Is not that paid for on certificate of the chairman of the committee?

Mr. TAWNEY. No; the gentleman is speaking of something else. No such payment is made to any employee of the House. These official committee stenographers employ their own typewriting assistants, and, as I say, there have been hearings before the Committee on Ways and Means.

Mr. MANN. What hearings have the Ways and Means Committee had?

Mr. TAWNEY. What hearings!

Mr. MANN. The gentleman says "What hearings!" as though they had been holding hearings all the time. They have had no hearings at this session of Congress.

Mr. TAWNEY. I do not know what payments the committee stenographers have made. They have come to me with the statement that they were obliged to continue the same help that they always have.

Mr. MANN. It must be perfectly patent to the gentleman that the committee stenographers, who may or may not be in Washington during this session, when there are no committees, have had no committee hearings to report; and if they have kept the same extra assistants here during this session, they have shown very poor judgment. I have high regard for the committee stenographers, but I am not willing in the presentation of these gifts to employees of the House to run utterly regardless of common decency.

Mr. TAWNEY. I want to ask the gentleman from Illinois if he has any objection to authorizing the reimbursement of these committee stenographers for any money that they have expended in consequence of their service?

Mr. MANN. That is not what this provision is.

Mr. TAWNEY. That is exactly what this is.

Mr. MANN. The gentleman would argue to the House now for a moment that this is paid only to the extent that it is reimbursement. That is not the case. This money purports to be a reimbursement, but it provides for payment to the amount of $500 to each of these committee stenographers, which is in

effect an increase of salary to the committee stenographers of $500 each because of this session of Congress; and if the amendment proposed a few moments ago by the gentleman from Pennsylvania [Mr. OLMSTED] is in this bill when it comes back, as very likely it will be, there would be an extra month's pay besides. Can it be possible that these committee stenographers ask for that extra month's pay this year, and then want $500 besides, to reimburse them for payment which they have not made?

Mr. TAWNEY. I want to say in reply to the gentleman that his statement is entirely incorrect if he says that this is not for reimbursement. The language of the paragraph itself states that it is to reimburse the official reporters of debates and the stenographers to committees for money actually expended for clerical assistance and for extra clerical services on account of the first session of the Sixty-first Congress.

Mr. MANN. After the gentleman reads it I will read it.

Mr. TAWNEY. Just one moment. It is not only to the committee stenographers, but the extra services employed by the official reporters of debates as well, and if they have not expended any money there is not a dollar of this appropriation that will be paid to them, and only to the extent they have expended money can they be reimbursed.

Mr. MANN. Now, let me read the paragraph:

To reimburse the official reporters of debates and the stenographers to committees for moneys actually expended for clerical assistance—

How much?—

and for extra clerical services on account of the first session of the Sixty-first Congress, $500 each.

Who determines how much is for reimbursement and how much for extra clerical services? We provide a lump sum for the two items. If there is no money to reimburse, the whole is for extra clerical assistance, and no one will divide that sum, regardless of whether they have paid out a cent or not. The proposition is to pay $500 for extra clerical assistance, when there can be no clerical assistance, extra or otherwise, and I make the point of order.

The CHAIRMAN. The point of order is sustained. The Chair has been asked to what extent the point of order of the gentleman from Illinois went. The Chair understood that it began with line 18.

Mr. MANN. No. The point of order was against the words "and the stenographers to committees."

Mr. BURLESON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert at end of line 24, page 15: "On and after December 1, 1909, any Representative or Delegate in Congress or Resident Commissioner may file with the Clerk of the House of Representatives a designation of his clerk, and thereafter the warrant for his compensation shall be made in the name of the person so designated until otherwise directed by said Representative, Delegate, or Commissioner."

Mr. MANN. I make a point of order against that amendment.

Mr. BURLESON. Will the gentleman reserve it?

Mr. MANN. I will reserve it.

Mr. BURLESON. I hope the gentleman from Illinois will not insist on the point of order.

Mr. MANN. I hope the gentleman will explain the purport of the amendment so that we may understand it.

Mr. BURLESON. I will. Mr. Chairman, I am satisfied that 90 per cent of the membership of this body favor what is intended to be accomplished by this amendment. It provides that any Member, Delegate, or Resident Commissioner who desires to do so may file with the Clerk of the House the name of the person he has selected as his clerk, and thereafter a warrant for this clerk's pay shall be made out not in the name of the Representative or Delegate, as is now done, but in the name of such clerk, and shall so continue to be made in the name of the clerk until the Representative designates some other person as his clerk, who would then receive it.

As a fact which we all know, it is a matter of considerable annoyance month by month to receive the warrant for our clerk's salary, indorse same, and hand it over to him. If perchance you are separated from your clerk, it becomes still more troublesome to indorse it and transmit it to him.

Mr. MANN. May I ask the gentleman a question?

Mr. BURLESON. Certainly.

Mr. MANN. Is it customary for a Member of Congress to see his clerk as often as once a month? [Laughter.]

Mr. BURLESON. I am confident that 90 per cent of the Members of this body see their clerks thirty times a month, any many of them, during the sessions of Congress, thirty times a day, and undoubtedly it will relieve this great majority from a constantly recurring trouble if this amendment should be adopted.

Mr. HULL of Iowa. Would not the effect of the gentleman's amendment be simply to place the clerks of the Members on the House roll so that they would get the extra month's salary if the amendment offered by the gentleman from Pennsylvania should prevail?

Mr. BURLESON. The amendment of the gentleman from Pennsylvania has failed, but the contingency suggested by my friend from Iowa may arise, and if it does and should be adopted, it would be no more than is just. For fifty years, as was said by the gentleman from Pennsylvania, every employee on the rolls of this House has been given an extra month's compensation each session. Every employee who works in this Capitol, many of them down in the catacombs, unknown and never seen by 99 per cent of us, are given annually the extra month's salary; and yet the Member's clerk, for some reason which no one will undertake to give, is never given this recognition. Mr. Chairman, the clerks of Senators are carried on the rolls, they are paid $300 more per annum than clerks of the Representatives, and, in addition, every session of Congress are given an extra month's compensation. Why is this? Can it be that the reason thereof, if stated, would not be creditable to those who are responsible for this condition?

Now, as an original proposition, I am not favorable to the giving of an extra month's compensation, but if it is done, if the pratice is to continue, and if I were in favor of it, I would have the courage to give to my own clerk, who is efficient, industrious, and indefatigable in his attendance upon me and in my service, the same recognition accorded to many less deserving employees who are on the rolls of this House.

Mr. MACON. If the gentleman will pardon me, I notice in his amendment that he says a Member or Delegate or Resident Commissioner may do so and so. I want to know if the Member could not make the arrangement now and have the check sent to his clerk?

Mr. BURLESON. No; there is no authority of law to do what the gentleman suggests, and it can not be done.

Mr. MACON. Mr. Chairman, I believe the clerk and myself could enter into an agreement.

Mr. BURLESON. No; the clerk would have no authority in law to do so, and would decline to permit any such arrangement.

Mr. MACON. Have you put in the word "shall?"

Mr. BURLESON. No; I use the word "may," so that no Member is compelled to make the designation. I use the word "may" so that it shall be optional with every Member of this body to file the name of his clerk. If any Member does not want to do it, then he need not do it, but surely there is no Member of this body who would feel compelled for any reason to prevent others from making such designation if they see fit to do it. This amendment does not interfere with him if he does not desire to comply with it. It is left entirely optional with each Representative or Delegate in Congress.

Mr. MANN. May I ask the gentleman a question?

Mr. BURLESON. Certainly.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK of Missouri. I ask unanimous consent that the gentleman's time may be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Under the law as it now stands, the Member of Congress himself must sign the receipt for his clerk's salary.

Mr. BURLESON. He does; the gentleman is right.

Mr. MANN. As well as indorse the check.

Mr. BURLESON. He does.

Mr. MANN. Does this change that in both particulars?

Mr. BURLESON. Not in either particular, unless he makes the designation, and then the check is made in the name of the clerk.

Mr. CLARK of Missouri. You do not have to sign any receipt.

Mr. SHERLEY. Oh, yes; you do.

Mr. BURLESON. The gentleman is mistaken; he does.

Mr. CLARK of Missouri. No; the Congressman does not, because the indorsement of the check is a receipt.

Mr. MANN. The gentleman is mistaken. We sign the receipts in blank. Now, will this proposition accomplish the purpose that some gentlemen think it will, of giving an extra month's pay to the clerks of Members? Will it make any difference in the law in that respect?

Mr. BURLESON. Certainly not. This does not pretend to give an extra month's compensation. Something remains to be done even if this amendment is adopted.

Mr. MANN. I understand; but I want to know whether it will accomplish the purpose. If it does not do it, it is useless; if it does do it, it has some merit in it.

Mr. BURLESON. If at some future time when a resolution is brought before this body to give an extra month's compensa-

tion to the other employees of the House, if an amendment is then offered to such resolution to include all clerks of Members who have been designated or whose names have been filed with the Clerk of the House, then it will grant them an extra month's compensation. It will be possible to do so without encountering what has heretofore proven an insurmountable obstacle.

Mr. CLARK of Missouri. Now, I would like to ask the gentleman a question or two, and I want to preface my question with the statement that I am in favor of the gentleman's proposition. Does he not think the word "may" ought to be changed to "shall?"

Mr. BURLESON. I would not object to that—in fact, would be pleased to have it so—but somebody will raise a point of order on this if you make it "shall." I want to succeed with this if I can. I am endeavoring to avoid breakers, if possible.

Mr. CLARK of Missouri. Does the gentleman not think it ought to be put in there that the Member has the right to discharge his clerk instantly?

Mr. BURLESON. It is in there.

Mr. CLARK of Missouri. No; I do not think it is from the reading of it.

Mr. BURLESON. Well, it says in plain words these warrants shall be issued in the name of a Member's clerk as designated until he designates some other person.

Mr. CLARK of Missouri. Well, I think that ought to be in there.

Mr. BURLESON. Well, I assure the gentleman that it is in there.

Mr. CLARK of Missouri. It ought to be clearer.

Mr. BURLESON. Well, it is clear; as clear as words can make it.

Mr. CLARK of Missouri. I have one of the best secretaries in the city of Washington, and he has been with me ever since I have been here. I have no idea of discharging him, but I would not want to give up that privilege.

Mr. BURLESON. I will state this to my friend from Missouri: This amendment was submitted to one of the clearest-headed men and best parliamentarians in this Capitol. I submitted it after I had prepared it to the clerk of the Committee on Appropriations, explained to him the purpose it was intended to accomplish, invited him to alter it if he saw fit, and he stated that it accomplished the purpose and declined to amend it in any particular.

Mr. MANN. This proposition is permissive.

Mr. BURLESON. Yes; entirely optional with each Member of this body.

Mr. MANN. Some of the gentlemen have suggested that it should be compulsory. I should insist on the point of order if I had any notion that it was to be made compulsory.

Mr. SHERLEY. Would it not in effect be compulsory in this way: Suppose quite a number do submit the names of their secretaries, and then the proposition comes up to vote them an extra month's pay, and every Congressman whose secretary's name has not been submitted is put in the position of either submitting it or cutting his secretary out of an extra month's compensation? Is not the frank thing to do to either vote them the extra compensation or kill this proposition?

Mr. MANN. I do not believe we ought to compel Members of Congress who wish to employ more than one clerk with the salary, if they wish to, to submit the name if they do not so desire.

Mr. MACON. Do I understand the gentleman from Illinois [Mr. MANN] to say that he would not object to this amendment because it is not compulsory?

Mr. MANN. I said I would certainly make the objection if it were compulsory.

Mr. MACON. And I object because it is not compulsory. If the gentleman from Texas amends his amendment by inserting "shall" for "may," I will not oppose it; otherwise I will make the point of order, and give the Chair a chance to rule upon it. I make the point, Mr. Chairman.

Mr. BURLESON. I submit to the gentleman from Arkansas——

The CHAIRMAN. The point of order is made, and the Chair sustains the point of order.

The Clerk read as follows:

To pay Herbert D. Brown for services rendered in connection with inquiry respecting rates of premium for surety bonds of officers and employees of the United States, $400.

Mr. PARSONS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

Mr. PERKINS. Mr. Chairman, before that amendment is read, I desire to reserve the point of order to the section last read.

Mr. TAWNEY. Mr. Chairman, I want to say to the gentleman from New York, who has reserved the point of order to the paragraph just read, that Mr. Brown is the man that——

Mr. PERKINS. Is Mr. Brown an employee of the Government?

Mr. TAWNEY. No; he is not.

Mr. PERKINS. Then, I withdraw the point of order.

Mr. MANN. Has he not been in the employ of the Government, in the Census Office?

Mr. TAWNEY. He has been.

Mr. MANN. Then, I reserve the point of order.

Mr. TAWNEY. That employment has long since terminated.

Mr. MANN. Was he in the employ of the Government when he performed this service?

Mr. TAWNEY. He has not been in the employ of the Census Office since the close of the last Congress.

Mr. PERKINS. Was he not in the employ of the Government when he performed this work?

Mr. TAWNEY. No; he was not.

Mr. MANN. Will the gentleman tell me how Mr. Brown got into the employ of the Government, although we have a Civil Service Commission in force? I will withdraw the point of order if he can tell me how he got into the employ during last year, when he was not in the employ of the Government.

Mr. TAWNEY. On the 4th of March last.

Mr. MANN. Oh, a year ago.

Mr. TAWNEY. I am not able to say.

Mr. MANN. He was not in the employ of the Government before or he could get the compensation; but he got in the employ of the Government, just how I am not able to say, but certainly not through the Civil Service Commission, which, under the law, was supposed to absolutely control admission to the service.

Mr. TAWNEY. Mr. Chairman, in justice to Mr. Brown I want to say that he was formerly an employee of the Department of Commerce and Labor. He resigned from the service and took private employment with an insurance company in the city of Chicago. Before he left the public service he had devoted a great deal of time to the study of the question of the establishment of the policy of granting or giving government employees an opportunity to purchase annuities in order to bring about the retirement of aged government employees, something a great many people are desirous of seeing done.

Mr. MANN. I withdraw the point of order. I am not going into reform in the civil service.

The CHAIRMAN. The point of order is reserved by the gentleman from New York.

Mr. MANN. He withdrew it.

Mr. HARDWICK. I make the point of order.

Mr. TAWNEY. I just want to conclude my statement.

Mr. HARDWICK. All right.

Mr. TAWNEY. He was reinstated in the government service, not under the civil-service regulations, and employed by the Committee on Reform in the Civil Service. That employment terminated on the 4th of March. But when I introduced in the appropriation bill the provision with reference to fidelity bonding companies, Mr. Brown called on me and gave me a great deal of information on the subject. It has been a subject to which he has devoted a considerable time in investigating. Thinking that he was in the employ of the Department of Commerce and Labor, I requested him to go on and make this investigation, and did not know until about a month after he had been at work that he was not a regular employee of the Department of Commerce and Labor. I said nothing to Mr. Brown. He continued the investigation, and all the valuable data which has been collected regarding the bonding business of the Government of the United States, and the premium rates as well as the loss ratio, all these facts pertaining to the question that we were discussing to-day, were collated and tabulated by this gentleman. Never did he ask me for any compensation, nor have I ever promised him any. I inserted this provision in the bill of my own motion, simply because he has devoted two and a half months of time voluntarily to the work in connection with preparing the information upon which the legislation adopted this afternoon was based. I concede there is no authority for his employment and no authority for the payment, unless Congress sees fit to give it to him. That is the way he came to be employed. He has performed very useful and valuable service, and he has received no compensation and has never asked for any. But, Mr. Chairman, that is no reason why he should not be paid a reasonable amount for his services.

Mr. HARDWICK. Just a word before I press the point of order. In opening the debate on this bill the gentleman from Minnesota [Mr. TAWNEY] stated very frankly that the hearings on this bill had been conducted by a voluntary association of Members, who were acting on their own motion and without warrant or authority either under the law or the rules of the House. They are not and were not a committee of the House, and had no authority whatever to summon witnesses, to employ experts, or to have their hearings printed by the Government. The gentleman from Minnesota, in discussing this question, suggested rather facetiously that I, or any other Member, had just as much right to conduct such a hearing if we could get anybody to appear before us. While I hardly admired the gentleman's courtesy in suggesting that he possessed superior or more engaging personal qualities and was therefore able to induce the witnesses to attend these hearings, my own opinion was and is that the gentleman and his associates were able to conduct the "hearings" principally because they were "dishing out the dough." Be that as it may, the "hearings" were without authority of law, and the gentleman from Minnesota has conceded it.

Mr. TAWNEY. I have never said that the action of the committee has been without authority of law.

Mr. HARDWICK. There never was any "committee" action on this matter.

Mr. TAWNEY. The action of those Members who were formerly members of the Committee on Appropriations.

Mr. HARDWICK. The gentleman reports the bill "from the Committee on Appropriations."

Mr. TAWNEY. I did not report the bill from the Committee on Appropriations.

Mr. HARDWICK. It is so printed on the official copy which I hold in my hand.

Mr. TAWNEY. The bill was introduced from the floor without being introduced and referred to a committee.

Mr. HARDWICK. The bill reads: "Mr. TAWNEY, from the Committee on Appropriations;" so that we have this beautiful piece of legislative legerdemain, now we see the committee and now we do not; now we have a Committee on Appropriations and now we have not a Committee on Appropriations. These gentlemen go on and have 150 pages of testimony taken and printed. They take the official reporters and have this testimony taken down; they employ experts, all absolutely without warrant of law; and therefore, under these circumstances, considering this entire half-baked proceeding, and that there was absolutely no authority to employ this man, I insist on the point of order.

Mr. TAWNEY. Mr. Chairman, in view of the remarks of the gentleman from Georgia, I want to say that paragraph 8 of an act to amend an act providing for the public printing and binding and the distribution of public documents, approved March 1, 1907, is as follows:

The printing of stationery, blank books, tables, forms, and other necessary papers preparatory to congressional legislation required for official use of the Senate and House of Representatives or the committees and officers thereof shall be furnished by the Public Printer upon requisition of the Secretary of the Senate and the Clerk of the House of Representatives, respectively. This shall not operate to prevent the purchase by the officers of the Senate and House of Representatives of such stationery and blank books as may be necessary for sale to Senators or Representatives in the stationery rooms of the two Houses, as now authorized by law.

That is the authority under which the printing with respect to the bill we are now considering was done.

Mr. HARDWICK. What authority would six of us over here have to go and have a voluntary hearing?

Mr. TAWNEY. The clerk of the Committee on Appropriations of the last Congress continues to be the clerk of the Committee on Appropriations until the next committee is appointed, and he is an officer of the House, and on his request the Clerk of the House is authorized to make requisition on the Public Printer for the printing that was done. Otherwise the Committee on Appropriations could not prepare these appropriation bills.

The CHAIRMAN. The point of order is sustained.

Mr. PARSONS. I offer the amendment I send to the desk.

The Clerk read as follows:

For the payment of a judgment rendered by the United States circuit court for the southern district of New York, under mandate of the United States circuit court of appeals for the second circuit, against Edward B. Jordan, collector of internal revenue, first district, New York, and in favor of J. Henry Harper, trustee under deed of trust executed by Mary S. Hoe, $33,508.61, as per certificate of settlement No. 6714 of the Auditor for the Treasury Department, dated March 30, 1909.

Mr. MANN. I reserve a point of order against that amendment.

Mr. MACON. I make the point of order against that proposition.

Mr. PARSONS. This is not subject to a point of order. This is a judgment against the collector of internal revenue for the first district of New York. The judgment has been certified to the Speaker of the House by the Secretary of the Treasury in House Document No. 17 of this session, and under section 989 of the Revised Statutes a judgment against a collector must be provided for in the appropriation bill. The provision of that section is that the amount so recovered against a collector shall, upon final judgment, be provided for and paid out of the proper appropriation from the Treasury. I will ask the Clerk to read the letter from the Secretary of the Treasury, which I send to the desk.

The CHAIRMAN. The Clerk will read the communication.

The Clerk read as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, April 24, 1909.

SIR: I have the honor to submit herewith an estimate of appropriation in the sum of $33,508.61 to satisfy a judgment rendered by the United States circuit court for the southern district of New York, with recommendation that provision be made by Congress therefor, as follows:

"For the payment of a judgment rendered by the United States circuit court for the southern district of New York, under mandate of the United States circuit court of appeals for the second circuit, against Edward B. Jordan, collector of internal revenue, first district, New York, and in favor of J. Henry Harper, trustee under deed of trust executed by Mary S. Hoe, $33,508.61, as per certificate of settlement No. 6714 of the Auditor for the Treasury Department, dated March 30, 1909."

Respectfully,
FRANKLIN MACVEAGH,
Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

The CHAIRMAN. Does the gentleman from Arkansas wish to discuss the point of order?

Mr. MACON. My point of order is that this is not the character of claim that is authorized under existing law to be carried upon a general appropriation bill.

Mr. TAWNEY. Will the gentleman from Arkansas permit me to ask him a question?

Mr. MACON. And further, I will say it is not germane to this bill, because this is an urgent deficiency bill, and this is not a deficiency of any of the departments of the Government of the United States.

Mr. TAWNEY. The gentleman is aware that this is a judgment of the United States court against the Government, and that it is drawing interest at the rate of 4 per cent and will continue to draw interest at the rate of 4 per cent until it is paid, and the final judgment must be paid.

Mr. MACON. That puts a different phase upon the matter. If the Government can borrow money at 2 per cent, and has to pay interest on this judgment at 4 per cent, it will be wise to pay it and get rid of it. I want to save every cent I can to the Government, and I withdraw the point of order. [Applause.]

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. CLARK of Missouri. I should like to ask the gentleman from New York a question. Has this case finally been disposed of or is it pending on appeal?

Mr. PARSONS. It has been finally disposed of. The Attorney-General first wrote to the Secretary of the Treasury recommending that the gentleman be paid, and thereupon the Secretary of the Treasury sent the letter to the Speaker.

Mr. CLARK of Missouri. What was the claim about?

Mr. PARSONS. It was to recover an inheritance tax collected under the war-revenue act of 1898.

Mr. SHACKLEFORD. Does the gentleman desire interest?

Mr. TAWNEY. It would carry 4 per cent under the law after judgment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. OLCOTT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Judgment of Court of Claims. Insert "to pay the judgment of the Court of Claims in the case of J. M. Ceballos & Co. *v.* The United States, No. 23689 in said court, entered on mandate of the Supreme Court of the United States, $205,614.37.

Mr. MACON. Mr. Chairman, I reserve a point of order for the purpose of getting information on this proposition.

Mr. OLCOTT. I think it is not subject to a point of order. I have in my possession, which I will send to the Clerk's desk, a copy of the mandate of the Supreme Court of the United States.

Mr. MACON. Is this on all fours with the amendment offered by the gentleman from New York [Mr. PARSONS]?

Mr. TAWNEY. This is a final judgment of the Supreme Court of the United States, and under the general law all final judgments of the Supreme Court of the United States draw 4 per cent interest after judgment.

Mr. MACON. I simply wanted to get that information. I will withdraw the point of order.

Mr. MANN. I will renew the point of order. I want to ask the gentleman if this has been certified to Congress by the Secretary of the Treasury?

Mr. OLCOTT. It has not, but I have a certified copy of the mandate of the Supreme Court of the United States. The Supreme Court found that the money was due. If the gentleman wants to know the nature of the claim, I will tell him.

Mr. MANN. I do not care what the claim is. If the Supreme Court has ordered judgment, that settles it. I would like to ask if the gentleman from Minnesota is familiar with this proposition?

Mr. TAWNEY. I am familiar with it.

Mr. MANN. Is it a judgment now that will be certified in regular form, as is customary by the Secretary of the Treasury, to the Speaker and be included in the deficiency bill?

Mr. TAWNEY. It is.

Mr. MANN. I will withdraw the point of order.

Mr. SHERLEY. I would like to know if the gentleman from Minnesota can tell us whether the amount has been accurately ascertained?

Mr. TAWNEY. The amount has been accurately ascertained.

Mr. SHERLEY. Frequently a mandate of the court involves some mathematical computation.

Mr. TAWNEY. I want to say that prior to the entry of the judgment there is no interest.

Mr. MANN. In this case, as I understand, the Court of Claims has entered a judgment in pursuance of the mandate of the Supreme Court.

Mr. OLCOTT. The amount appears in the mandate, and I have also the opinion of the Supreme Court, in which the calculation is made with evident accuracy. The gentleman can verify it, and I will publish the opinion of the Supreme Court as a part of my remarks.

Mr. SHERLEY. I simply wanted to know whether the amount had been accurately ascertained, because the statement was that a mandate had been issued, but that did not necessarily carry with it the fact that the amount had been accurately ascertained.

Mr. OLCOTT. It is stated in the opinion of the Supreme Court and is tabulated, so that it really is an account stated.

Mr. TAWNEY. I understood the gentleman from New York to say that he had a transcript of the judgment.

Mr. OLCOTT. I have sent to the desk a certified copy of the mandate, which is a copy of the judgment, and I will publish it and the opinion of the Supreme Court as a part of my remarks.

Mr. RANDELL of Texas. Mr. Chairman, I would like to ask what is the nature of this claim; is it to get back taxes?

Mr. OLCOTT. This claim is the balance due for the transportation of officers and soldiers and their families from the Philippines at the close of the Spanish-American war.

Mr. RANDELL of Texas. And it has nothing to do with an inheritance tax?

Mr. OLCOTT. Not the slightest. It is the balance of a claim for transportation of prisoners of war and officers and men and their families from Manila after the close of the Spanish-American war in pursuance of the treaty of Paris.

Mr. SMALL. It is not contended that this judgment bears any interest whatever?

Mr. OLCOTT. I heard the chairman of the Committee on Appropriations say that it carried interest after the date of the judgment. I did not know that it did.

Mr. TAWNEY. It is the general law that judgments rendered by the United States Supreme Court carry interest from the entry of the judgment. I would like to ask the gentleman from New York if this is a Court of Claims judgment or a judgment of the Supreme Court of the United States?

Mr. OLCOTT. This is a Court of Claims judgment.

Mr. TAWNEY. Then, in certain cases they draw interest and in other cases they do not. I have not examined the matter lately.

Mr. OLCOTT. I think this is one of the claims that do not draw interest.

Mr. TAWNEY. My statement as to the general law is that judgments rendered by the United States courts draw interest from the date of the entry of judgment, but in some cases judgments of the Court of Claims draw interest and in other cases they do not. I can not state now offhand the exact distinction.

Mr. SMALL. I ask for definite information on that point.

Mr. OLCOTT. I believe it does not draw interest, but I would say that the claim is one that has been due since 1898, and I think it is time for the United States Government to pay it.

Mr. SMALL. What is the immediate necessity for paying this judgment? There is no interest that will be drawn.

Mr. OLCOTT. I will tell with very great pleasure the immediate necessity for it, if the gentleman will permit.

Mr. MANN. Is the gentleman afraid that there will not be money enough to pay it?

Mr. SMALL. Why can they not wait until the next regular session?

Mr. TAWNEY. I want to ask whether this was an appeal by the claimant or by the Government?

Mr. OLCOTT. This judgment was rendered on an appeal by the claimant, and the United States Supreme Court reversed the action of the Court of Claims and found $205,614.37 was due to the claimants.

Mr. SMALL. Mr. Chairman, I have not yet yielded the floor.

The CHAIRMAN. The gentleman from New York has the floor.

Mr. OLCOTT. I yield to the gentleman from North Carolina.

Mr. SMALL. I will ask the gentleman a question: If this is carried over until the next regular session, the Government of the United States will not have a penny more to pay. Is there any necessity for this speedy action?

Mr. OLCOTT. I will tell the gentleman from North Carolina, if he will allow me to, the necessity for this speedy action. The firm of J. M. Ceballos is now in the hands of a receiver. This is one of the legitimate assets of that firm. It is important, owing to an agreement with a large number of other creditors, that can be carried out now that all of their assets should be converted into cash. We all of us know if this is allowed to go over——

Mr. SMALL. The gentleman——

Mr. OLCOTT. Well, the gentleman has asked me a question and I am trying to answer it.

Mr. SMALL. But I was speaking of the interests of the United States, and not in the interests of a receiver.

Mr. OLCOTT. I thought the gentleman agreed with the people on this side of the House that if the United States owes money it ought to pay that money as quickly as it possibly can. [Applause.]

Mr. SHERLEY. And if the gentleman will permit, some of us on this side of the House might suggest that there are any number of claims where the Government of the United States owes money——

Mr. OLCOTT. And if there are any that ever come to my notice and they are just, and decided to be so by the Supreme Court of the United States, the gentleman will find me working with him to have them paid, as earnestly as anybody else.

Mr. SHERLEY. Well, we will give you an opportunity to make good before long.

Mr. OLCOTT. And I shall be very glad to keep my word.

Mr. SHACKLEFORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SHACKLEFORD. I would like to know if this is one of that character of claims which would go into the omnibus claims bill at the regular session along with those others which have been held up so long.

Mr. TAWNEY. I will state that it is not. This is a final judgment, and at the next session of Congress, when the Committee on Appropriations is appointed, the chairman of that Committee on Appropriations, under the law, will call upon the Secretary of the Treasury to certify all final judgments, all audited accounts, and all judgments of the Court of Claims to Congress for payment, and it will be included in the general deficiency appropriation bill.

Mr. SHACKLEFORD. We are afraid that the gentleman might forget.

Mr. TAWNEY. It will be in the general deficiency appropriation bill, and not in an omnibus claims bill at all.

Mr. SHACKLEFORD. Let this go over to the next session by unanimous consent, and then put it into the omnibus claims bill along with those other claims which we have been waiting for for so long. I object, Mr. Chairman.

The CHAIRMAN. The point of order is made.

Mr. OLCOTT. I understood the point of order had been withdrawn.

The CHAIRMAN. It has been renewed by the gentleman from Missouri.

Mr. OLCOTT. The point of order was withdrawn, and I understand discussion had ensued, and I did not know that the point of order had been renewed.

The CHAIRMAN. The point of order was reserved by the gentleman from Kentucky [Mr. SHERLEY] after its withdrawal, and it has now been made by the gentleman from Missouri [Mr. SHACKLEFORD]. The Chair will hear the gentleman from New York on the point of order.

Mr. OLCOTT. Mr. Chairman, in regard to the point of order, it is the general law, although I regret that I have not the section to refer to now, that all judgments rendered by the United States Supreme Court can be placed in any appropriation bill. If that is true, then it is merely a question of proving that there is such a judgment. I produce and offer and have asked to have read the certified copy of the mandate.

The House certainly therefore must acknowledge that that certified copy of the clerk of the court shows that the United States Supreme Court has rendered a judgment in favor of the payment, and therefore it can come into this appropriation bill. I would also say, Mr. Chairman, that it is one of the particular purposes of a deficiency bill to pay judgments of this character. I append to my remarks the opinion of the court and a certified copy of the mandate.

Supreme Court of the United States. No. 108—October term, 1908.
J. M. Ceballos & Co., appellants, *v.* The United States. Appeal from the Court of Claims. May 17, 1909.

Mr. Justice White delivered the opinion of the court.

Speaking in a general sense, this case involves determining how much, if anything, is due by the United States to J. M. Ceballos & Co., the appellants, for services rendered in pursuance of oral and written contracts for the repatriation of certain persons from the Philippine Islands to Spain. Before coming to the case as made by the record it is necessary to dispose of a preliminary consideration which may throw light upon one of the questions arising for decision.

Ceballos & Co., who here assert their rights as arising from contracts made, as we have said, concerning transportation of persons from the Philippine Islands to Spain, after the surrender of the Spanish forces at Santiago, made a contract with the United States for the repatriation from Cuba to Spain of the prisoners of war resulting from that surrender. That contract was performed, and it is conceded that all obligations of the United States under the same were discharged. It is admitted, however, that at the trial below the Cuban contract, as it is termed, was offered, and the mode of execution thereof was established by competent evidence, upon the assumption that such facts were proper to be taken into view in the elucidation of the particular contracts which are here involved. No finding was made by the lower court on the subject, although one was requested. After the filing of the record in this court a motion was made praying that the lower court be directed to find whether or not the Cuban contract had been made as stated, and whether or not the wives and children of Spanish officers transported thereunder were also transported under the contract, and, if they were, the rate paid for such transportation. The motion was resisted, and action thereon was postponed until the hearing on the merits. In the discussion at bar it was conceded by the Government that the Cuban contract had been offered in evidence below, that the contract was correctly printed in one of the briefs, and that it had been performed in a particular manner. It was, however, insisted that the Philippine contracts here involved were unambiguous, and therefore the Cuban contract was irrelevant. It was conceded, if it was deemed that there was such ambiguity in the Philippine contracts as to require construction, and that the construction might be elucidated by the Cuban contract and the mode of its performance, that contract and the admission as to the manner in which it had been performed might be treated as part of the record for the purposes of the case before us without the necessity of directing findings on the subject. As we are clearly of opinion that the contracts which are here involved require construction, and that the previous contract between the parties as to the movement of the prisoners of war from Cuba to Spain, and the construction which obtained in the execution thereof, may serve within proper limitations to throw light upon the construction of the contracts here involved, we treat the Cuban contract and its mode of performance as embraced in the record and review the case in the light thereof.

In the month of July, 1898, and from that time until the commencement of this litigation, the members of the appellant firm were the American operators and agents of the Compañía Transatlántica, a steamship line engaged in the transportation of freight and passengers between the ports of Spain and the Philippine Islands. As such agents Ceballos & Co. executed a contract with the United States, a copy of which is in the margin (Cuban contract), to safely transport from Cuba to Spain the troops of Spain surrendered at Santiago de Cuba. Under this contract the wives and children of Spanish officers were carried in the cabins, and without questions the first-class rate was paid for the transportation.

Sealed proposals having been invited for the transportation of the Spanish prisoners of war who surrendered to the United States forces in Cuba, from Santiago de Cuba to Cadiz, or such port of same as might thereafter be designated, and the proposal submitted by J. M. Ceballos & Co., of New York, having been duly accepted:

It is hereby, on this 21st day of July, 1898, agreed by and between the Secretary of War of the United States and said J. M. Ceballos & Co., that said company shall transport well and safely all of the troops of Spain that were surrendered by General Toral to the Army of the United States in Cuba, in the capitulation entered into by him at Santiago de Cuba, from said Santiago de Cuba to such port in Spain as the Secretary of War of the United States may designate, and that the Government of the United States will pay for such transportation, and for the subsistence and delivery on shore of the prisoners, the sum of $20 for each enlisted man or private soldier and the sum of $55 for each officer so delivered.

The said company further stipulates that said subsistence furnished by the company shall be equal to the United States Army garrison rations; that cabin accommodations are to be supplied for the said officers, and third-class or sterage accommodations, having suitable galley accommodations with ample space and ventilation for the enlisted men or privates; that for the purpose aforesaid it will have at Santiago de Cuba within seventeen calendar days from this day (that is to say, on or before the 7th day of the month now next following) seven steam vessels with a total capacity for the conveyance of at least 10,000 prisoners in conformity with the foregoing stipulations, and ready to take them on board and proceed immediately to Spain; and the remaining vessels, in number and capacity as the Secretary of War may notify the company, within twenty-one days from the date of such notice.

The Secretary of War stipulates that the United States will give safe conduct as against the Army and Navy of the United States to the vessels of the company engaged in the business aforesaid while proceeding to Santiago and from there to Spain, such safe conduct not to apply to ships already seized or in blockaded ports, and the ships employed as aforesaid to have only such armament as is customarily carried by merchant ships. Such safe conduct is to extend to foreign West Indian, Cuban, and Spanish ports, and to remain in effect until the prisoners are unloaded in a Spanish port designated, and is expressly made applicable to steamers of the Spanish Transatlantic Line under the Spanish flag.

For the better security of such safe conduct, a document in the following form and duly signed will be furnished to the company for each ship, which shall be exhibited on demand, together with a copy of this contract, to any officer of the Army or Navy of the United States visiting the vessel:

"The President of the United States to all whom it may concern, greeting: This is to certify that the ——— is employed under contract with the Government of the United States in the business of transporting from Santiago de Cuba to a port in Spain Spanish prisoners heretofore surrendered to the army of the United States in Cuba; that the Government of the United States has guaranteed safe conduct for this purpose to the ——— in going to and from Santiago de Cuba and until the disembarking of said prisoners in a Spanish port.

"All persons under the jurisdiction of the United States are required to respect such guaranty.

"——— ———."

The company further stipulates that it will furnish the bond of ——— for the proper and faithful performance of this contract.

The Secretary of War agrees that the United States will deliver the prisoners aforesaid on board at Santiago within a reasonable time after the vessels are ready, and to the number of at least 10,000 men, 500 officers, and that the payment of the said $20 and $55 for each man and officer to the numbers last aforesaid shall be made when satisfactory evidence that the prisoners have been transported and delivered in accordance with this contract is presented to him.

Witness our hands and seals this 21st day of July, 1898.

R. A. ALGER, *Secretary of War.*
J. M. CEBALLOS & Co.

The city of Manila surrendered the 13th of August, 1898, and August 14 the United States and Spanish authorities agreed upon written terms of capitulation, of which article 5 is as follows:

"All questions relating to the repatriation of officers and men of the Spanish forces and of their families and of the expenses which said repatriation may occasion, shall be referred to the Government of the United States at Washington."

The following statement as to the situation at Manila and the making of an oral contract and subsequently of a written contract are taken from findings made below.

There was surrendered to the United States forces at Manila on August 13, 1898, a large number of civil, naval, and military officers and their families, and a much larger number of enlisted men, together with the wives and children of some of these enlisted men. Many of these were in a pitiable condition physically, exhausted with exposure and disease—1,200 being sick at one time—all of them fed, guarded, and attended at the expense of the United States. Smallpox had been prevalent and infection was apprehended. The civil prisoners included Spanish civil officers on duty in the Philippine Islands under the government of Spain. Many of these had wives and children with them. There were besides a number of civilians, such as nurses, nuns, monks, friars, sisters of charity, and lady pensioners. The United States treated all of these classes as prisoners of war, and had supreme control of them after the surrender of Manila until they were delivered aboard plaintiff's ships for transportation, at which time the supervision of the United States ceased. Spanish officers had in the meantime only such supervision over their troops as the United States permitted.

General Otis, commanding the United States forces in Manila, considered that an emergency existed requiring immediate action, and on October 7 and October 24, 1898, cabled the War Department at Washington the request of the Spanish general at Manila for permission to allow sick Spanish officers and soldiers to depart for Spain. Permission being granted, these officers and soldiers were shipped on vessels of the Compañía Transatlántica by the Spanish authorities in Manila, acting under the supervision and control of the United States authorities, but under an oral agreement with Ceballos & Co., as hereinafter stated.

In the emergency deemed existing by the commanding general, and communicated to the War Department, the Secretary of War, in October or November, 1898, entered into an oral agreement with Ceballos & Co., by which the latter agreed to transport such of the Philippine prisoners as the United States desired to return to Spain, the price to be paid for such transportation to be the price fixed after the United States should advertise for bids for such transportation, under contract expected thereafter to be entered into under the terms of a treaty of peace between the United States and Spain.

Under this oral agreement, Ceballos & Co. immediately began furnishing vessels, and the transportation of the Philippine prisoners commenced by a vessel which sailed from Manila, November 7, 1898, and continued until another and a written contract was entered into for the transportation of those prisoners not transported under the oral agreement.

The shipments under the oral contract were five in number, and the wives and children of officers were carried in the cabin, as under the Cuban contract.

On December 10, 1898, by the treaty of peace it was stipulated in paragraph 1, article 5, that—

"The United States will, upon the signature of the present treaty, send back to Spain, at its own cost, the Spanish soldiers taken as prisoners of war on the capture of Manila by the American forces."

And in article 6, that—

"Spain will, upon the signature of the present treaty, release all prisoners of war, and all persons detained or imprisoned for political

offenses, in connection with the insurrection in Cuba and the Philippines and the war with the United States.

"Reciprocally, the United States will release all persons made prisoners of war by the American forces, and will undertake to obtain the release of all Spanish prisoners in the hands of the insurgents in Cuba and the Philippines.

"The Government of the United States will, at its own cost, return to Spain, and the Government of Spain will, at its own cost, return to the United States, Cuba, Porto Rico, and the Philippines, according to the situation of their respective homes, prisoners released or caused to be released by them, respectively, under this article."

On January 20, 1899, the Quartermaster-General, United States Army, by direction of the Secretary of War, invited sealed proposals "for the transportation of the Spanish prisoners of war now in the Philippine Islands * * * to Cadiz or such other ports of Spain as may hereafter be designated." Among other things it was stated in the advertisement as follows:

"Their number is estimated as about 16,000 officers and enlisted men. Cabin accommodations are to be supplied for the officers and third-class or steerage accommodations, having suitable galley accommodations, conforming to the United States requirements as to space and ventilation, for the enlisted men.

* * * * * * *

"Proposals will state the price per capita for transporting officers and for transporting enlisted men and for their subsistence and delivering them on shore at the Spanish port, or ports to be designated, and will be accompanied by a guaranty that the prisoners will be comfortably cared for and subsisted while on the journey.

* * * * * * *

"Payment for the service will be made when evidence is furnished that the ship has arrived with her passengers at point of destination. The number of officers and men counted aboard at place of embarkation by the quartermaster is to determine the number to be paid for * * *."

The following bid was submitted:

"SIR: In accordance with the advertisement of Gen. M. I. Ludington, Quartermaster-General United States Army, copy of which is hereto attached, I propose, on behalf of Messrs. J. M. Ceballos & Co., agents of the Compañía Transatlántica de Barcelona, to furnish transportation for the Spanish prisoners in the Philippine Islands to any port or ports in Spain, their number estimated at 16,000 officers and enlisted men. I propose to use in this service the steamers named in the annexed list, which fully sets forth the classification of each, the tonnage capacity of each, their speed, the berth accommodations upon each, and the approximate length of time required by each vessel to make the voyage to Spain. (The length of time is estimated from Manila.) Said list gives the time at which each vessel will arrive in or off the harbor of Manila for orders, the act of God and all dangers of the sea excepted.

"It is proposed not to load the steamers beyond two-thirds of their steerage capacity. This is considered not only advisable as an act of humanity, but absolutely necessary, owing to climatic conditions and length of voyage.

"I further propose to call at any port of the Philippine Islands that the United States Government may designate, provided the vessels can safely lay afloat.

"The charge for this service is dependent on the ports of call in the Philippines, and also on the quarantine regulations in Spain, but I propose and hereby agree to do this service at a price not to exceed in any case:

For each officer	$215.00
For each enlisted man	73.75

"It is proposed to furnish subsistence equal to the United States garrison rations, or, if preferred, the usual rations furnished under Spanish regulations.

"I will furnish a satisfactory bond for the faithful fulfillment of this service."

This bid was accepted, and on March 4, 1899, a contract was executed between the Secretary of War and Ceballos & Co., by their attorney in fact, which, omitting the attestation clause and signatures, is as follows:

"Whereas, under the terms of the treaty of peace entered into by and between the representatives of the Governments of the United States and of Spain, signed at Paris on December 10, 1898, it is mutually agreed and stipulated in the first paragraph of Article V that—

"'The United States will, upon the signature of the present treaty, send back to Spain, at its own cost, the Spanish soldiers taken as prisoners of war on the capture of Manila by the American forces.'

"And in Article VI, which reads as follows:

"'Spain will, upon the signature of the present treaty, release all prisoners of war and all persons detained or imprisoned for political offenses in connection with the insurrection in Cuba and the Philippines and the war with the United States.

"'Reciprocally, the United States will release all persons made prisoners of war by the American forces, and will undertake to obtain release of all Spanish prisoners in the hands of the insurgents in Cuba and the Philippines.

"'The Government of the United States will, at its own cost, return to Spain, and the Government of Spain will, at its own cost, return to the United States, Cuba, Porto Rico, and the Philippines, according to the situation of their respective homes, prisoners released or caused to be released by them, respectively, under this article.'"

"And whereas sealed proposals having been invited for the transportation of the Spanish prisoners from Manila or such other port in the Philippine Islands as may be designated to Cadiz or such other port in Spain as may be designated, and in response thereto the proposal of J. M. Ceballos & Co., of New York, having been duly accepted by the Secretary of War of the United States:

"Therefore this article of agreement is made and entered into this 4th day of March, 1899, by and between the said J. M. Ceballos & Co. for the transportation of the said prisoners of war, from the Philippine Islands to Spain, as are designated in the terms of the treaty of peace, referred and quoted herein.

"The said J. M. Ceballos & Co. hereby agree to furnish good and safe transportation for such number of prisoners of war and persons as may be designated by the Secretary of War from the Philippine Islands to such port in Spain as may be designated by the Secretary of War, and to furnish to them subsistence while en route and on board the ships, and to deliver them on shore in Spain.

"The said company further agrees that for the purpose herein stipulated they will provide a sufficient number of steamships for the safe and comfortable transportation of the prisoners of war and such other persons as may be designated by the Secretary of War, with cabin accommodations for all officers and third-class or steerage accommodations, space, and ventilation for the enlisted men and other persons on board each ship; that the subsistence furnished by the company shall be equal in every respect to the United States Army garrison rations.

"The company further agrees to provide a sufficient number of steamships in the harbor of Manila to perform the entire service as herein stipulated, so that the embarkation of the last of the prisoners of war and the other persons may be made not later than May 1, 1899; that the ships to be used for the purpose are named and described in the list submitted with their proposals, copy of which is hereto attached as a part of this agreement, and the company agrees that no troops shall be transported upon any one of said ships in excess of two-thirds of the steerage capacity of each ship, as shown in the list referred to.

"In consideration of the faithful performances of the foregoing stipulations, and in compensation therefor, the Secretary of War hereby agrees on behalf of the United States to pay to the said J. M. Ceballos & Co., for the transportation, subsistence, and delivery on shore of each commissioned officer, the sum of $215, and for each enlisted man, private soldier, or other person designated by the Secretary of War for transportation the sum of $73.75, the said sums to be due and payable upon evidence that said officers, enlisted men, or persons have been transported, subsisted, and delivered on shore in Spain.

"It is further agreed that the prisoners of war and all other persons to be transported shall be delivered by the United States on board the ships at such ports in the Philippine Islands as may be designated by the Secretary of War, within five working days after the vessel or vessels are ready to receive them. Demurrage, if any, earned by any such steamer or steamers to be paid by the United States at the rate of 15 cents per gross ton register per day, and for any prisoners on board at the rate of $1.50 for each officer per day and 40 cents for each enlisted man per day. An account of the number of officers, enlisted men, or other persons to be taken at the time of embarkation by a representative of the Government of the United States and a representative of the said J. M. Ceballos & Co., and payment to the said company shall be made upon the basis of the number of officers, enlisted men, and persons counted on each ship.

"It is further agreed that all steamers shall call at the port of Manila for orders, and should the Secretary of War elect to deliver prisoners to any steamer or steamers at any other port in the Philippine Islands, orders to that effect must be given within twenty-four hours after the steamer or steamers have reported to the commanding officer at the port of Manila.

"No Member or Delegate to Congress, nor any person belonging to, or employed in, the military service of the United States, is or shall be admitted to any share or part of this contract, or to any benefit which may arise therefrom."

The findings show that the vessels which were supplied to perform this contract, like those which were supplied to perform the Cuban contract and the subsequent Philippine oral contract, were furnished with cabin and steerage accommodations, and that the officers, civil and military, with their respective families, were carried in the cabin, and in the steerage were carried the enlisted men and their families and other persons entitled to third-class passage.

For the first 25 shipments payment was made by the United States upon certificates of the masters of the respective ships on which said prisoners of war and other persons were transported, certified to be correct at the place of landing, showing the different classes of passengers.

The court below also found as follows:

The obligation of this country to repatriate any other persons or classes of persons than those who were actually prisoners of war or political prisoners was questioned by the Secretary of War.

On December 18, 1899, the Secretary of War addressed an official letter to the Attorney-General, stating that under the terms of the treaty of peace the obligation of the United States to send to Spain at its own cost the wives and children of officers and soldiers and civil prisoners designated as "officials" and their wives and children was not clearly defined, and that the rates of compensation for the transportation of such persons were not set forth in the contract. But in that connection the Secretary requested an opinion as to the construction of the treaty of peace in regard to the scope of the description of Spanish prisoners, whether and to what extent the treaty included the repatriation of noncombatants at the cost of the United States. The Secretary further requested a construction of the contract rate of compensation which might be allowed and paid per capita for each class of persons charged for under the terms of the contract with Ceballos & Co. On January 6, 1900, the Attorney-General answered this official communication of the Secretary of War and construed the contract substantially as follows: That it was questionable whether all the persons tendered and transported were not within the purview of the treaty, but that this was a question for the United States authorities and not for the carrier, who would have been guilty or might have been guilty of a breach of his contract in refusing to carry persons designated to be carried by the United States. The Attorney-General further informed the Secretary of War that the contract related to the transportation of prisoners; that as between the contracting parties it rested alone with the United States to say whom it would send back to Spain, and in doing so to alone determine who were prisoners and who came within the purview of the treaty or the contract; that the words "other persons" were included within "enlisted men," and that as to all enlisted men and all persons other than officers, military and civil, $73.75, and no more, was payable by the United States under the contract.

On January 19, 1900, the Secretary of War notified one of the firm of Ceballos & Co. that he had, on January 17, cabled General Otis at Manila that civil officials, prisoners' wives and children were entitled to passage to Spain, and that the contract provided for shipment of civil officials as officers on the basis of $215 per capita; that wives and children of officers, soldiers, and civil officials were entitled to transportation to Spain on the basis of $73.75 per capita.

As shown on statement, copied in the margin,[a] the United States paid to Ceballos & Co., under the Philippine oral and written contracts, the sum of $1,544,595. It will be seen that no payments were made in respect of the transportation of other persons than officers and enlisted men until after the Attorney-General had rendered the opinion above referred to. Of the various classes of persons specified, all but "officers" were paid for at steerage or third-class rates, and this regardless of whether cabin or steerage accommodations were furnished. Minor children—that is, those under the age of 10 years—were paid for at half the adult rate.

[a] Payments.

Sundry checks received by J. M. Ceballos & Co.—Payments on account by United States Government.

	Officers.	Enlisted men.	Women and major children.	Minor children.	Civil officials.	Warrants.
June 20, 1899	1,019	7,067				[a] $666,247.62
November 28, 1899	131	1,198				[b] 190,545.12
July 30, 1900	288	3,723	1,302	406		447,853.75
October 6, 1900	148	1,425	58			140,822.50
April 11, 1902					398	28,983.75
April 21, 1902						[c] 9,746.25
July 3, 1902						[d] 34,747.50
October 31, 1902		16				1,180.00
		19				1,401.25
		6				442.50
	1	4				510.00
November 3, 1902	1					215.00
		10				737.50
		1				73.75
November 3, received and returned	8	17	6			3,416.25
February 26, 1903, deposited	1	1	2			436.25
	5	91				7,786.25
	9					1,935.00
			12		18	4,755.00
March 7, 1903			8		2	1,020.00
Sup. bill No. 22			9		3	1,308.75
			1			73.75
	2	less not	1 all'd.			356.25
Totals	1,613	13,583	1,392	406	416	1,544,595.00

[a] $74,028.62, 10 per cent retained by Government.
[b] Including previous 10 per cent as above.
[c] 315 civilians.
[d] Officers, at $141.25, difference between first and third class.

On August 15, 1908, Ceballos & Co. commenced this action in the Court of Claims to recover a balance alleged to be due under the Philippine contracts for the carriage of 3,445 cabin passengers, at $215 each; 415 minor children, carried in cabin at half rate, $107.50; 13,647 steerage passengers, at $73.75 each; and 20 minor children, carried in steerage at half steerage rate, $36.75 each. For this service it was averred $1,792,491.25 had been earned, and after deducting payments of $1,544,595 there was still due Ceballos & Co. $247,896.25. Subsequently an amended petition was filed, in which full adult cabin and steerage rates were demanded for minor children, increasing the alleged indebtedness of the United States to the sum of $293,246.25.

A counterclaim, contained in three numbered paragraphs, was filed on behalf of the United States. In paragraph 1 it was in substance averred that the United States was entitled to recover back from the claimants the sum of $371,988.75, paid for the transportation of persons under the alleged oral contract in November and December, 1898, and January, 1899, because the same was paid without authority of law prior to the execution of any contract, expressed or implied, between the United States and Ceballos & Co., or anyone in its behalf. In paragraph 2 an indebtedness from Ceballos & Co. of $12,788.75 was alleged because of moneys paid to the firm for the transportation of persons who were not actually landed in Spain, as required by the contract. In paragraph 3 it was averred that as to two shipments made on November 25, 1899, and December 18, 1899, the claimants, by means of a supplemental bill, had collected a second time transportation charges for 14 military officers, at the rate of $215 each, and 91 enlisted men, at the rate of $73.75 each, whereby $9,721.25 had been overpaid by the United States to Ceballos & Co.

There was contention then in the court below in regard to the number of persons carried from the Philippines to Spain and as to the compensation to be paid. For the Government it was urged that, deducting the overcharge covered by the third counterclaim for the transportation of 105 persons, payment in full had been made for all persons legally shown to have been transported, viz, 17,305 persons. On the other hand, the appellants contended that 17,527 persons had been carried, a difference of 222 persons. As to such excess the Government alleged it had refused payment as to 198 persons, because it had not been shown by the evidence stipulated for in the contract that such persons had embarked and been carried to Spain, and that it had refused payment as to the remaining 24 because twice counted.

The dispute as to compensation arose from the contention by Ceballos & Co. that it had carried the wives and children of Spanish military officers and civil officials in the cabin and the cabin rate was properly chargeable, while the Government insisted that the steerage rate applied and had been paid. Ceballos & Co. also contended that for the carriage of other noncombatants, who were entitled to be considered prisoners of war, the cabin rate applied, whereas the Government contended that all noncombatants were embraced within the category of "other persons," who, under the contract, were to be carried in the steerage and paid for at the steerage rate.

The court rejected the first and second counterclaims of the Government and allowed the third. It sustained the contention of the United States as to the number of persons carried to Spain and the rate of transportation which governed, except it was held that Ceballos & Co., instead of being paid half adult steerage rate for the transportation of minor children, should have been allowed the full adult rate for each child, and judgment was entered on that basis, in favor of Ceballos & Co., for the sum of $5,391.25. (42 Court Claims, 318.)

Without hereafter reproducing the findings verbatim, we shall state, in a condensed form, such of the facts found as we think material to be recited.

Ceballos & Co. alone have appealed and the argument at bar on their behalf has been confined to two questions: 1, the construction of the contract in respect to the persons entitled to be carried at cabin rates; 2, the correctness of the action of the court below in disallowing the claim for the alleged transportation of 198 persons, asserted to have been actually carried under the contracts.

The court below substantially followed the construction of the contract adopted by the Attorney-General and decided that the "higher rate" specified in the contract related to one class and the lower rate to another class, and within the second class the contract embraced priests, nuns, sisters of charity, all women and children, and every other person designated within the term "prisoners" by the United States, and whether carried in the cabin or steerage. Civil officials were held entitled to be classified with military officers and their transportation properly chargeable at the cabin rate.

In disposing of the questions arising for consideration we will first consider that relating to the 198 persons claimed by the appellants to have been transported to Spain, but for whose transportation the United States refused to make payment. As already mentioned, for the first 25 shipments of prisoners of war from the Philippine Islands to Spain payment was made by the Government of the United States upon the certificates of the masters of the respective ships on which said prisoners of war and other persons were transported, showing the different classes of passengers certified to be correct at the place of landing.

The method of determining the persons entitled to transportation under the written contract was, however, changed as to the last 15 shipments—running from February 20, 1900, to July 14, 1901, during which time it is claimed said 198 persons were carried to Spain—so that requests for transportation with reference to available space were required to be made upon the appellants. Thereupon the United States quartermaster at Manila made demand upon the appellants in writing to furnish transportation "to the following Spanish prisoners," separately enumerating, as the case might be, the number of commissioned officers, the number of enlisted men, the number of civil officials, the number of wives of officers and officials, the number of children under 3 years of age, the number of children between 3 and 10 years of age, the number of children over 10 years of age, etc.

Pursuant to the requisition of the Quartermaster-General all the men who were placed on the list of passengers for each shipment were required to be at a particular place at a certain time in the morning, and they were counted by an officer of the Quartermaster's Department and taken aboard launches and carried out to the Spanish vessel ready to sail; and as they went on board the persons mentioned in the requisitions were counted by another United States officer, accompanied with the officer who represented the steamship company. Occasionally permission was given to officers of considerable rank to go aboard in their own conveyances, and these were checked off when they went aboard by an officer representing the Government and an officer representing Ceballos & Co., and were thereby included in the numbers called for by the requisitions.

No objections were offered by Ceballos & Co. at the time of the change in the method of computing the number of persons to go aboard.

The 198 persons in question were not embraced in the requests sent by the quartermaster for transportation nor were they included in the count at the time and place of embarkation. The accounts presented to the Treasury for payment asked compensation for the transportation of such persons, based upon certificates signed by the American consul at the landing place in Spain, to the effect "that the following Spanish prisoners," classifying the persons substantially as in the requisitions above referred to, had been "furnished transportation from Manila, P. I., to Spain," by the appellants on a named steamship. For the reason that the method prescribed by the contract for determining the initial fact that the persons had been taken on board in the Philippine Islands by the appellants had not been pursued, and further because the evidence did not establish to the satisfaction of the court that said 198 persons, although certified by the consul to have been landed in Spain, were entitled to transportation under the contract, the Court of Claims refused to make any allowance for the transportation of such persons. The passages of the contract relating to this branch of the controversy are as follows:

"An account of the number of officers, enlisted men, or other persons to be taken at the time of embarkation by a representative of the Government of the United States and a representative of the said J. M. Ceballos & Co., and payment to the said company shall be made upon the basis of the number of officers, enlisted men, and persons counted on each ship."

After reciting the compensation to be paid, the contract recited:

"The said sums to be due and payable upon evidence that said officers, enlisted men, or persons have been transported, subsisted, and delivered on shore in Spain."

In refusing to make any allowance for the asserted transportation of these 198 persons, we can not say, in view of the findings of the court below, that error was committed.

We come to consider the remaining subject of contention, which is thus succinctly stated in the third specification of error made in the brief of counsel for Ceballos & Co.: "The court erred in holding that the wives and children of Spanish officers, civil and military, and other noncombatant prisoners of war, although transported as first-class passengers and afforded cabin accommodations aboard ship, were to be paid for at the third-class rate specified in the contract, to wit, $73.75."

The principal question involved in this assignment is whether the United States shall pay cabin rates for the transportation of the wives and children of Spanish officers, and other officials of equal rank, who were, in fact, returned to Spain with such officers as cabin passengers. As stated in the findings, the oral agreement made in October or November, 1898, between Ceballos & Co. and the Secretary of War, was "to transport such of the Philippine prisoners as the United States desired to return to Spain," the compensation therefor to be fixed by the written contract which was expected to be thereafter entered into. There was no substantial change in the method of carrying out this oral contract from that pursued with respect to the Cuban contract. In the Philippines, as in Cuba, the United States tendered with the military officers and civil officials which it desired carried to Spain their wives and children. The proposals invited, as the basis of a written contract, were couched in similar phraseology to that employed in the Cuban contract, and called for proposals for the transportation "of the Spanish prisoners of war now in the Philippine Islands * * * in number estimated as about 16,000 officers and enlisted men." When, therefore, Ceballos & Co. submitted a bid for furnishing such transportation, in reason they held themselves out as ready if the United States tendered for transportation the wives and children of the officers and enlisted men of the Spanish forces to regard them as entitled to the same treatment required by the Government for the head of the family. We can not impute to the parties to the contract an intention to condemn and refuse to give effect to the practice which had been pursued in carrying out the oral agreement; that is, the treating the wives and children as

entitled to transportation and as being for the purpose of the accommodations to be furnished, of the class to which the Government had in effect assigned their male relatives. That the classification referred to as "such other persons as may be designated by the Secretary of War" was not intended to embrace the wives and children of officers, is, it seems to us, manifest from the entire text. The Government was concerned not only with the furnishing of safe but of comfortable accommodation to those who were to be carried on the long voyage from Manila to Spain. It exacted from Ceballos & Co. a stipulation that it should provide "safe and comfortable transportation" for those to be carried; the officers with "cabin accommodations," and "third-class or steerage accommodations, space and ventilation to be supplied for the enlisted men and other persons on board each ship." It is to be presumed that the agents of the United States in the Philippines saw to it that this stipulation of the contract was observed. It is inconceivable, however, that the Government or the appellants intended to commit such an act of inhumanity as would necessarily have arisen if the written contract required that the family of an officer should be separated from the husband and father on shipboard and be relegated to the discomforts of the steerage and the society of enlisted men and other persons. Clearly the spirit of the contract is opposed to any such conception. The wives and children of the officers and enlisted men were associated with them in the written terms of capitulation of the Spanish forces at Manila, signed August 14, 1898, the fifth article which, again reproduced, is as follows:

"All questions relating to the repatriation of officers and men of the Spanish forces and of their families, and of the expenses which said expatriation may occasion, shall be referred to the Government of the United States at Washington."

Under the Cuban contract the wives and children of officers were treated as entitled to be classed with the head of the family in respect to the accommodation to be supplied, and in the performance of the Philippine oral contract a like practice was pursued. In effect, therefore, by a course of conduct the United States had associated the wives and children of the officers and enlisted men with such officers and men for the purpose of the transportation to be furnished and the treatment to be accorded them on the homeward voyage. Just as in the opinion rendered by the Attorney-General, civil officials of equal grade with military officers were assimilated to such officers in construing the terms of the contract, so we think an enlarged meaning must be taken as intended by the terms officers and enlisted men where employed in the written contract. As observed by the Attorney-General, in the light of the purpose of the contract, which was to carry out the engagements made by this Government with Spain, a liberal construction should be accorded to the terms employed in order to effectuate to the fullest extent the purposes intended by the treaty. Construing the written contract of March 4, 1898, according to its manifest spirit, and looking to the prior conduct of the parties, we are of opinion that such contract and the oral contract which was dependent upon it, so far as the wives and children of officers and enlisted men were concerned, should receive the same construction as under the Cuban contract, viz, that the wives and children of Spanish officers tendered by the United States for transportation were to be classed with such officers and the wives and children of enlisted men were to receive like accommodations as were given to enlisted men.

As it is not questioned by the United States that civil officials representing the Spanish Government in the Philippines were entitled, both under the oral and written contracts, to cabin accommodations, we have assumed that construction to be well founded. It follows from the reasoning heretofore employed that the wives and children of such officials were likewise entitled when tendered by the agents of the United States for transportation to receive cabin accommodations, and Ceballos & Co. on furnishing such accommodations were entitled to compensation at the rate stipulated for cabin service. In view, however, of the distinction shown to have been made in the requisitions for space between adults and minor children, the practice shown as to payments made under the contract and the original demand of Ceballos & Co. in the court below, we think it results that the parties in actual practice treated the full rate for children under 10 years as but half the adult rate specified in the contract, and we think that rate ought to have been applied by the court below for each minor child, whether carried in the cabin or in the steerage.

We are unable to yield our assent to the contention that other noncombatants than the wives and children of officers, enlisted men, and officials of the Government of Spain should be embraced in the class entitled as of right to cabin accommodations for which appellants were entitled to be compensated at cabin rates. The mere circumstance that a particular person, although a noncombatant, was a constructive prisoner, did not—at least in the absence of evidence that the United States tendered such person as a cabin passenger—serve to take the person out of the category of persons whom the Secretary of War might designate to receive transportation in the steerage at third-class rates.

From Finding XIV it appears that the wives and children above the age of 10 years of military officers and civil officials aggregated 1,327, and that the appellants were paid for the transportation of each the steerage rate of $73.75, instead of the cabin rate of $215 each. The appellants are, therefore, entitled to a further payment on account of the transportation of such persons of $141.25 each; in all $187,438.75. It is also shown in such finding that the number of children of Spanish military officers and civil officials who were carried to Spain and were under the age of 10 years aggregated 395, and that Ceballos & Co. were paid for their transportation $36.87½ each, one-half the adult steerage rate, instead of $107.50 each, one-half the adult cabin rates. Ceballos & Co. were, therefore, entitled for such service to a further payment as to each child of $70.62½, aggregating for the 395 children, $27,896.87. From the total of these sums, viz, $215,335.62, must, however, be deducted the overpayment recited in the third counterclaim (which counterclaim the court below sustained), viz, $9,721.25, leaving due to Ceballos & Co. the sum of $205,614.37.

It results that the judgment of the Court of Claims must be reversed, with instructions to enter a judgment in favor of the appellants for the sum of $205,614.37, and

It is so ordered.

Court of Claims. J. M. Ceballos & Co., *v.* The United States. No. 23689.

I, John Randolph, assistant clerk Court of Claims, hereby certify that the annexed is a true copy of the mandate of the Supreme Court of the United States filed in the above-entitled case June 10, 1909, in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at Washington City, this 6th day of July, A. D. 1909.

[SEAL.] JOHN RANDOLPH,
Assistant Clerk Court of Claims.

UNITED STATES OF AMERICA, *ss:*

The President of the United States of America to the honorable the judges of the Court of Claims, greeting:

Whereas lately in the Court of Claims, before you or some of you, in a cause between J. M. Ceballos & Co., claimants, and the United States, defendant, No. 23689, wherein the judgment of the said Court of Claims, entered in said cause on the 22d day of April, A. D. 1907, is in the following words, viz:

"The court, on due consideration of the premises, find that the amount due the claimants in this case was $1,549,986.25, and that the aggregate amount paid the claimants by the United States, including the allowance to defendants of their third counterclaim, is $1,544,595, and that upon the whole case there is still due the claimants a balance of $5,393.25; and it is therefore ordered, adjudged, and decreed that the claimants, J. M. Ceballos & Co., do have and recover of and from the United States the sum of $5,393.25.

"BY THE COURT."

As by the inspection of the transcript of the record of the said Court of Claims, which was brought into the Supreme Court of the United States by virtue of an appeal agreeably to the act of Congress in such case made and provided, fully and at large appears.

And whereas, in the present term of October, in the year of our Lord 1908, the said cause came on to be heard before the said Supreme Court, on the said transcript of record, and was argued by counsel:

On consideration whereof it is now here ordered and adjudged by this court that the judgment of the said Court of Claims in this cause be, and the same is hereby, reversed.

And it is further ordered that this cause be, and the same is hereby, remanded to the said Court of Claims with directions to enter a judgment in favor of the appellants for the sum of $205,614.37.

MAY 17, 1909.

Filed, Court of Claims, June 10, 1909.

The CHAIRMAN. The Chair is ready to rule.

It is well settled that it is in order upon a deficiency bill to pay judgments certified to Congress in accordance with law. Now, the question is whether or not this is a judgment certified to Congress in accordance with law. It is not exemplified in the entire record, and does not purport to be. It is simply a certified copy of the mandate of the United States Supreme Court. It does not come before the House in the form of a public document transmitted by a chief of an executive department to the Speaker of the House, and, in accordance with the ruling of the present occupant of the chair a day or two since, the Chair feels compelled to sustain the point of order.

The Clerk read as follows:

To pay Samuel Robinson and William Madden, as messengers on night duty during the first session of the present Congress for extra service, $400 each; in all, $800.

Mr. TAWNEY. Mr. Chairman, I offer the following additional paragraph.

The Clerk read as follows:

On page 16, after line 13, insert:

"Library of Congress: For balance of salary of the register of copyrights, as provided by section 48 of the act entitled 'An act to amend and consolidate the acts respecting copyright,' approved March 4, 1909, for the fiscal year ending June 30, 1910, $500."

Mr. MACON. Mr. Chairman, I reserve the point of order upon that amendment.

Mr. TAWNEY. I will state to the gentleman from Arkansas that at the last session of Congress on the 4th of March there was approved an act known as the "copyright law." In that law the salary of the Chief of the Copyright Division was increased to the amount proposed by this amendment. There was no appropriation made to meet the increase of salary which Congress authorized, and it is for the purpose of meeting the obligation of the Government that I offer this amendment to increase the compensation of the chief of that division in accordance with the provisions of existing law.

Mr. MACON. Do you say that this is the salary due him under existing law?

Mr. TAWNEY. Yes, sir; under existing law.

Mr. MACON. I withdraw the point of order.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. TAWNEY. Mr. Chairman, I am informed that the gentleman from Texas [Mr. BURLESON] withdraws the point of order to the paragraph or amendment that I offered yesterday in reference to the additional compensation to be paid officers now or soon to be engaged in conducting the Brownsville investigation.

The CHAIRMAN. Is there objection to returning to page 8?

Mr. HARDWICK. A parliamentary inquiry. Can a matter be brought up in this way, and can a gentleman withdraw an objection he has previously made?

The CHAIRMAN. Not if objection is made.

Mr. HARDWICK. Then, I object.

Mr. TAWNEY. I reoffer the amendment, Mr. Chairman, if that point is made by the distinguished gentleman from Georgia.

Mr. HARDWICK. I reserve the point of order, so as to understand what it is.

The CHAIRMAN. It is proposed to return to page 8 and offer the amendment now?

Mr. TAWNEY. Yes, sir.

The CHAIRMAN. The question is as to whether there is objection to returning to page 8.

Mr. TAWNEY. If there is, I will offer it at the end of the bill.

The CHAIRMAN. The Chair hears no objection.

The Clerk read as follows:

On page 8, after line 19, insert:

"To provide for payment of extra compensation for the officers composing the board appointed to pass upon the eligibility of colored troops discharged by executive orders on account of the Brownsville riot for reenlistment in the army, $1,500 each per annum; in all, $7,500."

Mr. BURLESON. That is in lieu of the allowances to which they would be entitled?

Mr. TAWNEY. I would say, Mr. Chairman, that at the *present time* the officers that are engaged in making this investigation are not entitled to anything but their retired pay. What they are asking through the department and what they will ultimately get, unless we adopt a provision of this kind, will be their full pay on active duty with all the allowances.

Then, in addition to that, commutation of quarters, they would get for heat, in kind, $53.22; light, in kind, $15 a month; a total of $68.22 a month; and on top of that they would get for one horse, for thirty-one days, $4, or a total of $13.80.

Mr. HAMILTON. Do they get a horse apiece?

Mr. TAWNEY. No; a lieutenant-general is entitled to commutation for the subsistence of 4 horses; a major-general, 3 horses; a brigadier-general, 3 horses. Now, it is for the purpose of cutting off the possibility of their ultimately getting their pay on the active list, and commutation of quarters, and heat and light allowances, and so forth, that I have proposed, with the consent of the gentleman, or at the request of the chairman of the Committee on Military Affairs, to offer this amendment.

Mr. FITZGERALD. The gentleman's amendment provides that this is for extra compensation. I understand the situation to be this: Here are these retired officers. If assigned to this duty, they will be entitled to the pay and allowances of officers upon the active list.

Mr. TAWNEY. The gentleman from New York is mistaken about that. They would be entitled to compensation if their retired pay was not in excess of the pay of a major on the active list. Now, their retired pay being above the compensation of a major, they of course will not get any additional pay or any allowances, unless given to them by Congress, but ultimately they will get all of it.

Mr. FITZGERALD. Why does the gentleman say ultimately? Is it to be assumed that Congress would do such a ridiculous thing as to give them the allowances suggested by the gentleman? Why should not this be in lieu of any allowances that they may claim or have under the law? If at present they can be assigned to this work without being entitled to additional pay, why should they be given $1,500 additional now?

Mr. HARDWICK. I now insist upon the point of order. There is no need of wasting any time.

Mr. CLARK of Missouri. If this proposition is not adopted, what do they get?

Mr. TAWNEY. They get their retired pay.

Mr. HARDWICK. They do not get anything at all, unless we at some time pass an act authorizing additional pay.

Mr. TAWNEY. This is in lieu of what the department has asked for them, which is four times as much.

Mr. BURLESON. But what they are demanding is not authorized by law, is it?

Mr. TAWNEY. No.

Mr. BURLESON. Then I insist on the point of order again.

Mr. HARDWICK. I make the point of order.

Mr. HULL of Iowa. I hope you will waive it for a moment.

Mr. BURLESON. I will reserve it for a moment.

Mr. HARDWICK. I made the point of order, and I insist upon it.

The CHAIRMAN. The point of order is sustained.

Mr. HULL of Iowa. I understood it was reserved. I ask unanimous consent for two minutes in which to make a little statement about this matter, because I think there is an error here.

The CHAIRMAN. Is there objection?

Mr. SMALL. Mr. Chairman, if I can get the attention of the gentleman from Minnesota [Mr. TAWNEY], I should like to ask unanimous consent to return to page 13, to reoffer the amendment to survey the fishing waters in North Carolina. I hope there will be no objection. It will occupy but a moment of time.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to recur to page 13, in order that he may offer an amendment.

Mr. KEIFER. We are unable to understand the purpose of desiring to return. I do not know whether to object or not.

The CHAIRMAN. The Chair is endeavoring to state that the gentleman from North Carolina asks unanimous consent to recur to page 13 for the purpose of again offering the amendment which he offered some time since.

Mr. KEIFER. Was not that amendment voted on?

Mr. SMALL. Yes.

Mr. KEIFER. Was it not voted down?

The CHAIRMAN. Yes.

Mr. SMALL. It was; but I understand that that was due to an inadvertence.

Mr. KEIFER. If it has once been voted on, I object to returning to it.

Mr. HULL of Iowa. I ask unanimous consent that I may have not to exceed three minutes to make a little statement upon the other matter.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HULL of Iowa. Mr. Chairman, I simply want to explain this matter.

Mr. MOORE of Pennsylvania. Mr. Chairman, I have no objection to gentlemen speaking if I may be permitted to recur to page 13 for the purpose of making an explanation.

The CHAIRMAN. Permission has been given to the gentleman from Iowa to speak.

Mr. HULL of Iowa. I hope this will not come out of my time.

Mr. SHACKLEFORD. I want to say that when the gentleman from Iowa stated that he wanted time to speak, I stated that I would reserve an objection in order to inquire what it is about.

The CHAIRMAN. The Chair did not hear the gentleman from Missouri and put the question plainly whether there was objection, and no objection was heard.

Mr. HULL of Iowa. Mr. Chairman, it seems to me that in common justice to the officers composing the Brownsville court I should say a word in explanation. It has been said here that they are clamoring for increased pay. I have talked with several officers and not one of them has ever asked increased pay from me as chairman of the committee, nor has any one of them asked me to advocate it. But a letter did come from the War Department asking that the officers composing the board have the pay and allowance of their rank while serving on this detail. Under the law as it stands there is no provision of law for detailing a retired officer for this work, and no provision for any increased pay, and they are assuming the work because they feel it is their duty to render the service. I think any or all of them could decline the service. They are at some extra expense on account of it over and above what they would be if they were simply living as retired officers. They are performing a service for the Government at the request of the President and of Congress. What I want to say is that not one of them has ever mentioned to me that the question of pay would enter into or become a factor as to the discharge of his duty, on this board, in any way whatever.

When this matter was sent to me I suggested that the Committee on Appropriations, or rather members of the old Committee on Appropriations, were getting up a bill covering many items, and I believed that these men should have some extra compensation, but was opposed to giving them the full allowance of their rank. In other words, I took this ground that as judges of the court they were practically all on the same basis, and as officers of the army there was a distinction made in their pay on the retired list, which is graded by rank—a lieutenant-general gets $8,250, a major-general $6,000, and a brigadier-general $4,500 each while on the retired list—and whatever Congress gave them as extra compensation should be a lump sum of so much to each man, making it all equal, as extra compensation while acting as judge. That did not come from the officers. So far as I know they have asked nothing and are faithfully prosecuting the work; and if it had not been that their names were brought in here in a way to convey the idea that they were clamoring for more pay, I would not have said a word. But in justice to these men, who have had long, faithful, and distinguished service in the Army of the United States, who are discharging this duty now, who are not bothering Congress for more pay, I want to say that whatever has been charged here,

that they are clamoring for increase of pay, is not correct and they should be absolved from it. The request came from the War Department.

Mr. BURLESON. I would like to ask the gentleman a question. As chairman of the Committee on Military Affairs, I am satisfied he has the information. Can he tell me, if the allowance is given to these officers, would it exceed $1,500?

Mr. HULL of Iowa. Yes; if they have the pay and allowance for the officers of each grade, it would exceed that many, many times over. But under the law they are not entitled to any allowance. They are not entitled to a dollar of extra pay over the retired pay without further action by Congress. Now, if the Congress of the United States says that these men that are detailed at our request, for we created the board—and in this case they could refuse to serve without being amenable to military law—that when they are performing arduous duty they should have no extra compensation, that ends it. I think it not fair, but you will hear no complaint from these distinguished officers.

Mr. BURLESON. We have got it just as we want it.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. MOORE of Pennsylvania rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. MOORE of Pennsylvania. I rise for the purpose of having the same privilege as was accorded to the gentleman from Iowa.

The CHAIRMAN. Is there objection to the gentleman from Pennsylvania addressing the House for three minutes? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Chairman, a little while ago I offered an amendment to the paragraph relating to surety and bonding companies, and I did it with a serious purpose. There have been companies giving bonds to the United States that accepted money from innocent depositors who knew nothing of the risk they were taking; who knew nothing of the fact that the companies with which they were making the deposits were acting as bonding companies. There have been companies giving bonds to the United States that were managing trust estates, conducting savings funds, and carrying on a banking business. This is all wrong, and the purpose of my amendment was to have the business separated so that the surety or bonding company obligating itself to the Government would do so upon its own legitimate resources. I do not think the Government of the United States should encourage bonding companies which stake the money of innocent depositors against the tremendous risk of the $5,000,000,000 to which the chairman of the Appropriations Committee has referred. I believe this to be an extremely serious matter, and I wanted to express myself upon it in order that this House and the chairman of the committee, who has the matter of the investigation of these companies in mind, may consider the propriety of having the companies do business upon their own capital and surplus, and not upon the deposits of men and women who open deposit accounts in good faith and without knowledge of the risk to which their money is being put. [Applause.]

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WANGER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11570) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1909, and for other purposes, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. TAWNEY. Mr. Speaker, I move the previous question on the amendments and the bill and amendments to its final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded upon any amendment? If not, the amendments will be voted upon en bloc. The question is on the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. BOWERS. Mr. Speaker, I offer the following motion to recommit, which I send to the desk and ask to have read.

The SPEAKER. Is the gentleman opposed to the passage of the bill?

Mr. BOWERS. Yes.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

To recommit this bill (H. R. 11570) to the Committee of the Whole House on the state of the Union, with instructions to strike out lines 9, 10, and 11, on page 1, and lines 1 and 2, on page 2, being the provision for the traveling expenses of the President, and to forthwith report the bill as recommended to the House.

Mr. TAWNEY. On that motion, Mr. Speaker, I demand the previous question.

The SPEAKER. The question is on the motion of the gentleman from Minnesota.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Mississippi to recommit with instructions.

The question was taken.

Mr. BOWERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was again taken, and there were—yeas 113, nays 142, answered "present" 6, not voting 126, as follows:

YEAS—113.

Adair	Denver	Hull, Tenn.	Rainey
Adamson	Dickson, Miss.	Humphreys, Miss.	Ransdell, La.
Aiken	Dies	James	Rauch
Alexander, Mo.	Dixon, Ind.	Jamieson	Richardson
Ashbrook	Driscoll, D. A.	Jones	Robinson
Barnhart	Edwards, Ga.	Kendall	Rucker, Mo.
Beall, Tex.	Ferris	Kinkead, N. J.	Sabath
Bell, Ga.	Finley	Kitchin	Shackleford
Boehne	Floyd, Ark.	Korbly	Sheppard
Booher	Gallagher	Latta	Sherley
Borland	Garner, Tex.	Lee	Sims
Bowers	Garrett	Lever	Sisson
Burgess	Gill, Md.	Lindbergh	Slayden
Burnett	Gill, Mo.	Lloyd	Small
Byrd	Gillespie	McHenry	Smith, Tex.
Byrns	Godwin	Macon	Spight
Candler	Gordon	Maguire, Nebr.	Stanley
Carter	Gregg	Mays	Stephens, Tex.
Clark, Mo.	Hamlin	Moore, Tex.	Thomas, Ky.
Clayton	Hammond	Morrison	Thomas, N. C.
Cline	Hardwick	Moss	Tou Velle
Collier	Hardy	Murdock	Underwood
Conry	Heflin	Nelson	Wallace
Covington	Helm	Nicholls	Watkins
Cox, Ind.	Henry, Tex.	Norris	Weisse
Cox, Ohio	Hinshaw	Oldfield	Wickliffe
Cravens	Hobson	Page	
Cullop	Houston	Palmer, A. M.	
Dent	Hughes, Ga.	Patterson	

NAYS—142.

Alexander, N. Y.	Ellis	Kennedy, Iowa	Plumley
Allen	Elvins	Kinkaid, Nebr.	Pou
Austin	Esch	Knapp	Pratt
Barchfeld	Focht	Kopp	Pray
Barclay	Foss	Kronmiller	Pujo
Barnard	Foulkrod	Kustermann	Reeder
Bartholdt	Gaines	Lafean	Rodenberg
Bennet, N. Y.	Gardner, Mich.	Langley	Rucker, Colo.
Bingham	Gardner, N. J.	Law	Scott
Bradley	Gilmore	Lenroot	Simmons
Brownlow	Goebel	Loudenslager	Smith, Cal.
Burke, S. Dak.	Good	McCreary	Smith, Iowa
Burleigh	Graff	McKinlay, Cal.	Smith, Mich.
Calder	Grant	McKinney	Snapp
Campbell	Greene	McLachlan, Cal.	Southwick
Cary	Gronna	McMorran	Stafford
Cassidy	Guernsey	Madden	Stevens, Minn.
Chapman	Hamilton	Madison	Sulloway
Cocks, N. Y.	Hanna	Malby	Swasey
Cole	Haugen	Mann	Tawney
Cook	Hawley	Martin, Colo.	Taylor, Colo.
Cooper, Wis.	Hayes	Martin, S. Dak.	Taylor, Ohio
Coudrey	Heald	Miller, Minn.	Thistlewood
Cowles	Henry, Conn.	Moon, Pa.	Thomas, Ohio
Crow	Higgins	Moore, Pa.	Tilson
Currier	Hill	Morgan, Mo.	Volstead
Davis	Hollingsworth	Morgan, Okla.	Wanger
Dawson	Howland	Morse	Wheeler
Denby	Hubbard, Iowa	Nye	Wilson, Ill.
Diekema	Hubbard, W. Va.	Olcott	Wood, N. J.
Dodds	Hull, Iowa	Olmsted	Woods, Iowa
Douglas	Humphrey, Wash.	Parker	Woodyard
Driscoll, M. E.	Johnson, Ohio	Parsons	Young, Mich.
Durey	Joyce	Payne	Young, N. Y.
Dwight	Kahn	Perkins	
Edwards, Ky.	Keifer	Pickett	

ANSWERED "PRESENT"—6.

Bartlett, Ga.	Foster, Ill.	Murphy	Padgett
Burleson	Lowden		

NOT VOTING—126.

Ames	Boutell	Carlin	De Armond
Anderson	Brantley	Clark, Fla.	Draper
Andrus	Broussard	Cooper, Pa.	Ellerbe
Ansberry	Burke, Pa.	Craig	Englebright
Anthony	Butler	Creager	Estopinal
Bartlett, Nev.	Calderhead	Crumpacker	Fairchild
Bates	Cantrill	Dalzell	Fassett
Bennett, Ky.	Capron	Davidson	Fish

Fitzgerald	Howell, N. J.	McLaughlin, Mich.	Sharp
Flood, Va.	Howell, Utah	Maynard	Sheffield
Foelker	Huff	Miller, Kans.	Sherwood
Fordney	Hughes, N. J.	Millington	Slemp
Fornes	Hughes, W. Va.	Mondell	Sparkman
Foster, Vt.	Johnson, Ky.	Moon, Tenn.	Sperry
Fowler	Johnson, S. C.	Morehead	Steenerson
Fuller	Kelliher	Mudd	Sterling
Gardner, Mass.	Kennedy, Ohio	Needham	Sturgiss
Garner, Pa.	Knowland	O'Connell	Sulzer
Gillett	Lamb	Palmer, H. W.	Talbott
Glass	Langham	Pearre	Taylor, Ala.
Goldfogle	Lassiter	Peters	Tener
Goulden	Lawrence	Poindexter	Tirrell
Graham, Ill.	Lindsay	Prince	Townsend
Graham, Pa.	Livingston	Randell, Tex.	Vreeland
Griest	Longworth	Reid	Washburn
Griggs	Loud	Reynolds	Webb
Hamer	Lovering	Rhinock	Weeks
Hamill	Lundin	Riordan	Wiley
Harrison	McCall	Roberts	Willett
Hay	McDermott	Rothermel	Wilson, Pa.
Hitchcock	McGuire, Okla.	Russell	
Howard	McKinley, Ill.	Saunders	

So the motion to recommit with instructions was rejected.

The following pairs were announced:

Until further notice:

Mr. TOWNSEND with Mr. SULZER.

Mr. WILEY with Mr. WILSON of Pennsylvania.

Mr. BENNETT of Kentucky with Mr. WILLETT.

Mr. VREELAND with Mr. TAYLOR of Alabama.

Mr. TIRRELL with Mr. TALBOTT.

Mr. STURGISS with Mr. SPARKMAN.

Mr. STERLING with Mr. SHERWOOD.

Mr. ROBERTS with Mr. SHARP.

Mr. PRINCE with Mr. RUSSELL.

Mr. PEARRE with Mr. ROTHERMEL.

Mr. NEEDHAM with Mr. RHINOCK.

Mr. MURPHY with Mr. REID.

Mr. MUDD with Mr. RANDELL of Texas.

Mr. MONDELL with Mr. PETERS.

Mr. MILLINGTON with Mr. O'CONNELL.

Mr. MILLER of Kansas with Mr. MOON of Tennessee.

Mr. MCLAUGHLIN of Michigan with Mr. MAYNARD.

Mr. LONGWORTH with Mr. LIVINGSTON.

Mr. LOVERING with Mr. LASSITER.

Mr. LAWRENCE with Mr. LINDSAY.

Mr. KENNEDY of Ohio with Mr. JOHNSON of South Carolina.

Mr. HUGHES of West Virginia with Mr. JOHNSON of Kentucky.

Mr. HOWELL of Utah with Mr. HOWARD.

Mr. HOWELL of New Jersey with Mr. HAY.

Mr. GRAHAM of Pennsylvania with Mr. HARRISON.

Mr. GILLETT with Mr. HAMILL.

Mr. FULLER with Mr. GRIGGS.

Mr. FOSTER of Vermont with Mr. GOLDFOGLE.

Mr. FORDNEY with Mr. GLASS.

Mr. FASSETT with Mr. FLOOD of Virginia.

Mr. FAIRCHILD with Mr. FITZGERALD.

Mr. DRAPER with Mr. ESTOPINAL.

Mr. DAVIDSON with Mr. CARLIN.

Mr. DALZELL with Mr. CLARK of Florida.

Mr. CRUMPACKER with Mr. CANTRILL.

Mr. COOPER of Pennsylvania with Mr. BROUSSARD.

Mr. CAPRON with Mr. BRANTLEY.

Mr. CALDERHEAD with Mr. BARTLETT of Nevada.

Mr. BOUTELL with Mr. ANSBERRY.

Mr. AMES with Mr. ANDERSON.

Mr. LOUD with Mr. PADGETT.

Mr. BURKE of Pennsylvania with Mr. BURLESON.

Mr. HENRY W. PALMER with Mr. FORNES.

Mr. LANGHAM with Mr. GOULDEN.

Mr. MOREHEAD with Mr. WEBB.

Mr. GRIEST with Mr. ELLERBE.

Mr. HUFF with Mr. HITCHCOCK.

Mr. SPERRY with Mr. CRAIG.

Mr. ANDRUS with Mr. RIORDAN (transferable).

Mr. MCKINLEY of Illinois with Mr. FOSTER of Illinois.

Mr. LUNDIN with Mr. MCDERMOTT.

For this session:

Mr. BUTLER with Mr. BARTLETT of Georgia.

For the balance of the day:

Mr. LOWDEN with Mr. HUGHES of New Jersey.

Mr. SLEMP with Mr. SAUNDERS.

Until Monday:

Mr. BATES with Mr. DE ARMOND.

Until Wednesday:

Mr. WEEKS with Mr. LAMB.

On this vote:

Mr. WASHBURN (against motion to recommit) with Mr. KELIHER (favor motion to recommit).

Until July 23:

Mr. ENGLEBRIGHT with Mr. GRAHAM of Illinois.

The result of the vote was then announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. TAWNEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. A. MITCHELL PALMER. Mr. Speaker, I ask unanimous consent to extend the remarks I made this morning on the special rule.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT OVER.

Mr. TAWNEY. Mr. Speaker, I move that when the House adjourns to-day it adjourn to meet on Friday next.

The question was taken, and the motion was agreed to.

LEAVE OF ABSENCE.

Mr. PEARRE, by unanimous consent, obtained leave of absence, for one day, on account of important business.

ADJOURNMENT.

Mr. TAWNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 17 minutes p. m.) the House adjourned until Friday next.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation and appropriation for the classification, appraisement, etc,, of the lands of the Yakima Indian Reservation in the State of Washington (H. Doc. No. 86)—to the Committee on Appropriations and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William Baker *v.* The United States (H. Doc. No. 87)—to the Committee on War Claims and ordered to be printed.

A letter from the secretary of state of the Territory of Hawaii, transmitting session laws and journal of the fifth regular session of the legislature of the Territory of Hawaii—to the Committee on the Territories.

A letter from the Acting Secretary of the Interior, transmitting a copy of the session laws of the twenty-fifth legislative assembly of the Territory of Arizona—to the Committee on the Territories.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. RANDELL of Texas. A bill (H. R. 11774) making it unlawful for a Senator or Representative in the Congress of the United States, or any such Senator or Representative elect, to receive employment or compensation as officer, agent, representative, or attorney from certain corporations or persons and prescribing penalties therefor—to the Committee on the Judiciary.

Also, a bill (H. R. 11775) to prohibit the giving or receiving of gifts by certain corporations to Members of the United States Congress and to judges of the United States courts and prescribing penalties therefor—to the Committee on the Judiciary.

By Mr. MORGAN of Missouri: Memorial of the legislature of Missouri relating to pensions for the Missouri Home Guards—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 11776) granting a pension to Ada J. Bevell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11777) for the relief of John T. Glynn—to the Committee on Claims.

By Mr. AUSTIN: A bill (H. R. 11778) granting an increase of pension to Christopher C. Roddy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11779) granting an increase of pension to Abner Brooks—to the Committee on Invalid Pensions.

By Mr. BARCLAY: A bill (H. R. 11780) granting an increase of pension to Annie E. McDonald—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11781) granting an increase of pension to Fannie M. Lorain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11782) granting a pension to Cornelia P. Dowler—to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 11783) granting an increase of pension to Lewis H. Soule—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 11784) granting an increase of pension to Alonzo C. Grout—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 11785) granting an increase of pension to William C. Thomas—to the Committee on Invalid Pensions.

By Mr. WANGER: A bill (H. R. 11786) granting an increase of pension to Morris Tyson—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. FOCHT: Petition of camp of the Patriotic Order of the Sons of America, of McAllisterville, Pa., favoring abrogation of the Russian extradition treaty—to the Committee on Foreign Affairs.

By Mr. GRONNA: Petitions of business men of Fessenden and Balfour, N. Dak., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HANNA: Petition of citizens of New Rockford, N. Dak., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. OLDFIELD: Paper to accompany bill for relief of Henry B. Combs—to the Committee on Invalid Pensions.

By Mr. SULZER: Petitions of the Peck, Stowe & Wilcox Company and the Nassau Bank of New York, against corporation amendment to H. R. 1438—to the Committee on Ways and Means.

SENATE.

FRIDAY, *July 23, 1909.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of the proceedings of Tuesday last was read and approved.

YAKIMA INDIAN RESERVATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of appropriation of $25,000 for the completion, classification, and appraisement of the lands of the Yakima Indian Reservation, etc. (S. Doc. No. 135), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PROTECTION OF INDUSTRIAL PROPERTY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of State submitting an estimate of appropriation of $15,000 for defraying the expenses of the next meeting of the International Union for the Protection of Industrial Property to be held at Washington, D. C., in May, 1910 (S. Doc. No. 136), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

LAWS OF NEW MEXICO.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a copy of the laws of the council and house journals of the thirty-eighth legislative assembly of the Territory of New Mexico, 1909, which, with the accompanying documents, was referred to the Committee on Territories.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed a bill (H. R. 11570) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1909, and for other purposes, in which it requested the concurrence of the Senate.

ADJOURNMENT TO MONDAY.

Mr. KEAN. Mr. President, I ask unanimous consent, preliminary to the motion I am about to make, to modify the unanimous-consent agreement which provides that the Senate shall adjourn for three days at a time until the conference report is ready. I am about to move that when the Senate adjourns to-day it be to meet on Monday next. I ask unanimous consent that the unanimous-consent agreement be modified so that that motion may be made.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Jersey?

Mr. CULBERSON. Let the request be stated again.

The VICE-PRESIDENT. It is that the unanimous-consent agreement be modified so that an adjournment may be taken from to-day until Monday rather than until Tuesday.

Mr. CULBERSON. Is there any special reason that necessitates a session on Monday rather than Tuesday, I will ask the Senator from New Jersey?

Mr. KEAN. I think there is, I will say to the Senator from Texas.

Mr. CULBERSON. We shall probably have the report of the conference committee then?

Mr. KEAN. I so understand.

The VICE-PRESIDENT. The Chair hears no objection, and the order is so modified.

Mr. KEAN. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

Mr. LODGE. Mr. President, I do not think we have the power to modify the unanimous-consent agreement, but I think the unanimous-consent agreement very clearly is not modified by the request of the Senator from New Jersey. The unanimous-consent agreement provides that the Senate shall adjourn for three days at a time until the conference report is ready. If the conference report were ready at this moment we could adjourn until to-morrow. If it is likely to be ready on Monday we can adjourn until Monday. I merely wanted to say this, because I object very strongly to modifying the unanimous-consent agreement. I do not think it can be done.

Mr. KEAN. Personally, I agree with the Senator from Massachusetts, but I thought I ought to make the statement before I made a motion to adjourn until Monday.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Good Roads Committee of New York City, N. Y., praying that crude asphalt be placed on the list of articles to be admitted into the United States free of duy, which was referred to the Committee on Finance.

He also presented resolutions adopted by the International Longshoremen's Association at Galveston, Tex., favoring the construction of a channel 26 feet in depth from Buffalo to Duluth, which were referred to the Committee on Commerce.

He also presented a petition of the Retail Cigar and Tobacco Dealers' Association of Philadelphia, Pa., praying for the retention of the sections incorporated in the proposed tariff bill prohibiting the use of coupons, etc., in the tobacco trade, which was referred to the Committee on Finance.

Mr. DEPEW presented a petition of Amersfort Council, No. 129, Junior Order United American Mechanics, of Brooklyn, N. Y., praying for the adoption of the so-called "Overman amendment" to the pending tariff bill increasing the capitation tax of immigrants from $4 to $10, which was ordered to lie on the table.

He also presented a memorial of the Clothiers' Exchange of Rochester, N. Y., remonstrating against the adoption of Schedule K, known as the "woolen schedule," to the pending tariff bill, which was ordered to lie on the table.

He also presented the memorial of George H. Gray, of Brooklyn, N. Y., remonstrating against the adoption of the proposed tax on corporations, which was ordered to lie on the table.

He also presented a memorial of the Chamber of Commerce of Syracuse, N. Y., remonstrating against the adoption of the proposed amendment to the pending tariff bill providing for an excise tax of 2 per cent upon the net incomes of certain classes of corporations, which was ordered to lie on the table.

Mr. OLIVER presented a petition of Meridian Sun Council, No. 542, Junior Order United American Mechanics, of Tidal, Pa., praying for the enactment of legislation to prohibit the immigration of all Asiatics into the United States except merchants, students, and travelers, which was referred to the Committee on Immigration.

Mr. DICK. I present a telegram, in the nature of a memorial, from the Chamber of Commerce of Youngstown, Ohio, remonstrating against the admission of iron ore free of duty. I ask that the telegram be read and referred to the Committee on Finance.